



THE

EMPIRE IN INDIA.



THE

# EMPIRE IN INDIA:

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LETTERS FROM MADRAS  
AND OTHER PLACES,

BY

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AUTHOR OF "THE ENGLISH IN INDIA,  
LETTERS FROM SINGAPORE, WRITTEN IN 1857-58"

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"Our life is turned

Out of her course, whatever man is made  
An offering or a sacrifice; a tool,  
Or implement; a passive thing employed  
As a brute mean without acknowledgment  
Of common right, or interest in the end;  
Used or abused, as selfishness may prompt.  
Say what can follow for a rational soul  
Perverted thus, but weakness in all good,  
And strength in evil? Hence an after call  
For chastisement, and custody and bonds,  
And oft-times death—avenger of the past,  
And the sole guardian in whose hands we dare  
Entrust the future. Not for these sad scenes  
Was man created, but to obey the law  
Of life and hope and action."

WORDSWORTH.—*The Excursion*

TO

THE HON. R. S ELLIS, C.B.,

MEMBER OF THE LEGISLATIVE COUNCIL OF INDIA,  
CALCUTTA

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MY DEAR ELLIS,

I have no right to assume your entire concurrence in the more distinctive views set forth in these Letters,—the two last in particular—those views which, if they attract any notice at all, may arouse the very general reprobation of our countrymen in India. But the temptation to express my confidence that this reprobation will not be unanimous, and to claim openly a certain modicum of sympathy and support from one so distinguished in the practical work of Indian administration, is, I confess it, too strong for my remaining scruples. We have talked over so many of the topics

contained in this book I am indebted to you for so much instruction, and for so many friendly offices you have borne so much from me, and for me, already that I think I may venture to make one more trial of your patience, and to illustrate my work with your name, without your formal permission.

Ever yours,

EVANS BELL.

30 Bernard Street, Russell Square  
January 11th, 1804.

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# THE EMPIRE IN INDIA.

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## LETTER I

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### RETROSPECTIVE AND PROSPECTIVE

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Madras, April 2nd, 1861

IT is difficult to speculate freely on the political prospects and possibilities of our Indian empire, without the danger of incurring the character either of an alarmist or of a pretended prophet. I am no alarmist. I am not alarmed. I do not despair or despond. I certainly do not pretend to the gift of prophecy. But do not let us be content to sit down and to fold our arms, and to think that to-morrow will be like to-day, and to forget the storm and the struggle of yesterday. Many people appear very much to under-estimate the magnitude of the crisis through which we passed in 1857-8, and to look upon the great Indian rebellion as an ephemeral convulsion, devoid of all moral significance, and conveying no lesson or warning to the Government, but one of increased vigilance and greater military preparations. The "greased cartridge" is too often referred to, as if it had been the real, efficient cause

of the mutinies whereas it was a mere pretext, and a popular war-cry. The national pride and resentment, the hopes and the projects, which burst forth in the mutinies, were of much older origin, of much broader and deeper meaning, than the exaggerated and fictitious fears for their religion and their caste, which were insidiously instilled and fostered throughout the army and the lower classes.

These points are not sufficiently understood. In many quarters I have perceived with great dissatisfaction what seems to me to be a strange apathy a careless and false security in others a complete mis calculation of the sources of our strength, and of the elements of political danger.

For example, Mr George Campbell, now a Judge of the High Court at Calcutta in a pamphlet, *Our Finances* published at Lucknow in 1859 appears to derive great confidence from the complete failure of the rebellion. This I believe is a very wide spread notion. He says that "the events of the crisis have generated a legitimate contempt for the natives that "they made very bad rebels at a time when they had every opportunity" that there was an absence of individual energy and that "the upper class being altogether deficient," there were "no leaders. " When the whole country was in a flame, says Mr Campbell, in consequence of the military mutiny we have nowhere experienced formidable popular resistance.

The moment the resistance of mutineers was over come, we re-entered into possession of our districts and governed them without difficulty as peacefully as ever.

Mr Campbell and many others, seem to think that a nation displays the full extent of all its good and bad qualities in its first great movement, and must spring in a day to its full strength, or fall to its lowest degradation , that a rebellion must be an inspiration that succeeds, or a folly which collapses at once and for ever It would be more properly considered as an art to be learned , and for a first attempt, 1857 was no trifle, worthy alone of “legitimate contempt” It deserves to be carefully studied in all its wickedness, in all its weakness, its madness and its horrors, in the destruction of the rebels and in our triumph, there lie lessons of awful import if we only choose to read them There never yet was a rebellion, since the world began, that did not bring a lesson and a warning to the ruler, to be neglected and despised at his peril

The theory which pretends to measure the physical and mental capabilities of the races of India by the events of 1857, contradicts all history A people brought up in slavery and superstition, its old hierarchy of chieftains and classes broken down, and replaced by no new organisation, bewildered and maddened by unaccustomed and unexpected opportunities of action, was unable immediately to turn them to good account, to make great and deliberate sacrifices, to recognise and choose efficient leaders, and to submit loyally to their command,—in short, was incapable of effecting one of those majestic national movements of which the nations of Europe were incapable until within the last two hundred years But because the plans of the rebels were clumsy and ill-

concerted, their behaviour in the field generally timid and irresolute, and their conduct to prisoners bloody brutal, and cruel, we are not therefore to conclude that there is any incurable defect in the Asiatic character and that it contains none of the noble elements of human nature To do so would be to deny that Asiatics are men, and to deny in defiance of historical facts, that European rebels have disgraced themselves and their cause by acts of horrible cruelty

France and Italy have no great reason to boast of the Jacquerie or the Sicilian Vespers yet they have done great things since those days. The atrocities committed by Wallace against enemies of the same religion and of cognate race, far surpass those of Cawnpore and Jhansi yet even the Scotland of that barbarous time is no object of legitimate contempt. Wat Tyler and Jack Cade were poor precursors and prototypes of Hampden and Cromwell<sup>1</sup>

In the survey of India's growing strength and consciousness, and of our prospective difficulties, we must not omit to estimate the invisible and silent effects of political experience and the patient remonstrances of

<sup>1</sup> It is only with a painful moral effort that one can dwell with cool and deliberate judgment on the subject; but it is highly necessary to call attention to the fact that there is not anything peculiarly Asiatic in the authentic horrors of Delhi and Cawnpore. In the outbreak of an exasperated people and especially where a marked distinction of race adds rancour and terror to the feelings of the populace, extermination is always their plan. It was so during the Greek uprising of 1821, when upward of twenty thousand Turks, a peaceful agricultural population,—men, women and children —were murdered in cold blood "as a necessary measure of wise policy according to the Heretics," because the Turkish population in Greece was small and could not be renewed. In Bay's *Greek Revolution* vol. i pp. 172 181, 187 189

a nation's foremost men "Serving and suffering," says Bishop Hall, "are the best tutors to Government" Nor must we overlook the startling results that are produced, when the hour has arrived, and a man of genius makes his appearance upon the scene A mere military despotism—should we ever be tempted to resort to one as an escape from political agitation,—or even a much longer continuance in the exclusion of natives from all share in the Government, and from all the higher branches of administration, may soon drive all the moral and mental energy of the Hindoo race into hopeless and incurable hostility

The great want of the rebels in 1857 was a leader of commanding ability and recognised position, with his own material resources, his own basis and centre of operations, and a distinct and intelligible cause of his own, a leader whom they could obey and trust, who would relieve them of individual responsibility, and make them feel as if the law was on their side Not a single native prince of any importance saw his way to taking part in the movement But this may not always be the case We may be very sure that the next rebellion—if we are to have one—will not break out exactly as the last one did.

What if the game of Victor Emmanuel and Garibaldi in Italy,—which will probably be imitated by some German prince or leader before many years are over,—should be repeated in India at our expense, with assistance from some great rival power, with all continental Europe, all America and half England sympathising with the rebels and the invaders, until Bombay and Calcutta became our Rome and Venice! It may be

ten, or it may be a hundred years before our quiet is disturbed but events move rapidly in this nineteenth century and if we follow the despot's example, we deserve and can expect no other but the despot's fate. We do not deserve it yet we are not perceptibly moving in that direction, but unless we steadily set our faces in the opposite quarter unless we determine to govern India on English principles, is there not some danger that we shall in a few years be driven by some antagonistic outburst to resort to Austrian devices and mere coercion? The educated natives are learning every day to contend with our weapons, the platform and the press and if we do not enlist them on our side, we shall soon have them arrayed against us.

But it may perhaps be said that at least Christian principles and Christian faith, when spread abroad among the people, as the promises of the Gospel compel us to believe they will be in the fulness of time, would preserve the Empire from such terrible convulsions as that of 1857 Many persons, such for instance as Sir Herbert Edwardes and Lord Shaftesbury place their greatest hope and reliance upon the success of Missionary exertions, and regard proselytism not only as a Christian duty but as the most powerful of political engines. The *Friend of India* has constantly written as if every native Christian was necessarily a soldier or an advocate of our Government. I have extracted the following sentence from the *Friend* of the 28th March — "The Government of India has never yet awoken to the fact that Christianity is the only means of consolidating our power in India. With

that our military expenditure may be reduced to five millions ”<sup>1</sup>

This is a confidence I have never been able to share I have never been able to perceive that it rests upon any foundation, or is supported by any reasoning whatever Speaking simply as a conservative politician, I should look with as much anxiety and alarm upon a Christian, as upon a Sikh or a Mahomedan religious movement I consider a rebellion or a revolution to be the certain and inevitable consequence of a national reformation or revival. A great thinker has observed —

“ All the epoch-forming revolutions of the Christian world, the revolutions of religion, and with them the civil, social, and domestic habits of the nations concerned, have coincided with the rise and fall of metaphysical systems So few are the minds that really govern the machine of society, and so incomparably more numerous and important are the indirect consequences of things than their foreseen and direct effects ”<sup>2</sup>

It is true that the Moslems of India are bound by their religious principles to wage war against infidels , it is true that Hindoos dislike outcasts and ‘mlechas,’ and feel that their caste system and ceremonial cannot flourish under our rule it is true, on the other hand, that St Peter says —“ Submit yourselves to every

<sup>1</sup> The following extract from an article in the *Guardian*, August 5th, 1863, will also testify to the prevalence of this opinion —“ Our Government of India will never be secure until we can convert the people of India ‘Till then we must be content to walk “ *per ignes suppositas cineri doloso* ”

<sup>2</sup> S T Coleridge Statesman’s Manual, a Lay Sermon

ordinance of man for the Lord's sake,—fear God and honour the King, and St. Paul teaches that every soul should be subject unto the higher powers, and that the powers that be are ordained of God." But surely we do not find, either from history or from contemporary experience, that these texts have ever restrained Europeans from opposition or rebellion when a good cause and a good opportunity appeared and for my part I doubt very much their efficacy in Asia. The time has gone by for our missionaries to preach passive obedience though they might and would have done so three centuries ago. Indeed I had always thought that it was the proudest boast of Christianity to have raised mankind, wherever its precepts have penetrated, from a state of brutal submission and slavish indifference, to the capacity of self rule and to the consciousness of individual dignity. Are we then to dread or to deprecate the propagation of Christianity? Certainly not. It is our duty not to do evil that good may come and it is equally our duty not to omit to do good from a fear lest evil should come or rather lest what we in our selfish blindness suppose to be evil, should come.

The world will not stand still. During that process of social development and intellectual expansion, of which the English supremacy has been the chief source and agent India must pass through that period of throes and paroxysms which we have witnessed, or are witnessing, in Europe, Arabia, and China. This last country the hackneyed type and illustration of stationary and immovable conservatism, is now agitated by a religious and social revolution, the consequences of

which are incalculable We cannot tell how it may come or commence—as a revolution in some native state, as a new faith, as a Wahabee, a Sikh, or a Christian reformation,—or as a revelation from Java, when the Dutch forcing-pump explodes,<sup>1</sup>—we cannot tell when it will come,—in ten years or in a century, —but come it will, the stimulus has been given, the ferment has been introduced, the moiganic mass has become vascular and sensitive It remains for us to decide whether we will be prepared for it or not, when it does come, whether we will comprehend, co-operate and guide, or strike and struggle blindly

A candid exposition of native feeling and an occasional discussion of native claims would be of the greatest advantage and assistance to our rulers The centralised despotisms of Europe are worshipped by officials, because the views and commands of the Sovereign and his Ministers are in ordinary times carried out with promptness and effect, but we know how

<sup>1</sup> Sooner or later it will assuredly explode The Javanese are Mahomedans, and there is a considerable annual pilgrimage to Mecca, whence they pick up some knowledge of the world and recruit their faith and pride They have also some intercourse with India Java was much agitated by the news of the rebellion of 1857, and revolts broke out in the adjacent island of Celebes and in the Province of Banjermassing, some Europeans were massacred and extensive military operations were required to suppress the disturbance The atrocious Dutch system for sucking a country dry, and proscribing all its intellectual life, is sufficiently exposed, for those who can read *through* a book, in Mr J W B Money's panegyric, *How to Govern a Colony*, but it has been thoroughly described and denounced by Van Hoevell, an eminent Dutch official, long resident in Java The finances of Holland are so completely dependent on Java, from which it now derives a net annual revenue, applicable to home purposes, of three and a half millions sterling, its debt is so large, and its military strength so small, that a really formidable rebellion in its eastern possessions would have most ruinous consequences

liable they are to tremendous convulsions, because they trust to physical force, and ignore and disregard the feelings of the middle class, the educated minority the living and active elements of the nation. But what should we think of a Government which habitually ignores and disregards the views and feelings of an overwhelming majority! Has not the British Government of India sometimes fallen into that danger? Nothing could so effectually avert that danger nothing would invigorate the Government so much, as a real working opposition both within and without the Council Chamber it would at once enlighten and enliven the proceedings of Council, add force and currency to its enactments, and give weight to the decisions of the Executive Government.

We have done a great deal for the people of India. They were blind, we have taught them to see they were unthinking and unconscious, we have taught them to be conscious and observant they were accustomed only to a Government of force and arbitrary caprice, which renders a whole people dependent upon the personal disposition of the Monarch,—we have shown them a Government of law and order of rights and principles. We cannot stop here we must allow them to touch to handle, to taste and to enjoy all those glorious fruits of British civilisation which we have taught them to understand and to appreciate. We cannot give and withhold at the same time. We must continue to show the way in reform and reconstruction we must always confer and never concede so long as the British Government keeps moderately in advance of native opinion and native capacity it will preserve the moral

support of the influential classes, without which peace and good order will for ever be precarious, and physical force will be a doubtful and discreditable safeguard.

The people of India have not yet come to that stage of social and political development when a nation can plan its own progress, and intelligently demand reforms and franchises from its rulers. They are only beginning to be conscious of a collective life, and the most advanced and enlightened among them are politically children, they can barely articulate, and have not acquired the rudiments of national strength and action. They can only *feel* at present, they are in the imitative stage, they are pupils and recipients, the British Government and people must take upon themselves all the responsibility, and will gain all the loyalty and popularity that arise from freely granted enfranchisement. Our Government will be able within the next ten years to wield all the powers, and to rally all the forces, at once of the Dictator and of the Tribune. But if it neglects to take the lead, we cannot expect the country to remain much longer quiescent. On the other hand, until public confidence is restored, more especially in the native states, until a general belief in its good will and good faith is re-established, the lead of the British Government will not be followed, its reforms and innovations,—perfected, projected and rumoured,—will be regarded with dislike and distrust. Our moral influence, which never attained the revolutionary strength that is required, was shattered to pieces by Lord Dalhousie's iniquitous greediness, and will never be revived by any quantity or any quality

of red tape, monthly returns, and annual reports. When the living soul is wanting, this superficial regularity of functions affords but little hope. The breath of Royalty must put a soul into the Empire of India, or it will soon become possessed of a devil.

At present the popular choice by universal suffrage, in almost every province of India, would probably give an overwhelming majority in favour of a native prince, as against our administration but, for my part, I am no advocate for counting heads. I have no respect for an ignorant and impulsive cry when opposed to the real superiority of the power and knowledge, of the principles, objects and motives of an established Government such as ours. But I should not fear to trust even to the popular choice, if the people had once learned to believe in the existence of a Sovereign, and had felt the genial influence of royal magnanimity. How can they be loyal to the destroyer of their princes? How can they be loyal to the beadle and the bailiff?

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LETTER II

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LORD DALHOUSIE.

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Madras, June 28th, 1861

LORD DALHOUSIE's death was a public misfortune. It deprived us of that personal advocacy of his own cause, that defence and explanation of his peculiar policy, the absence of which causes every criticism and every attack to appear one-sided, and leads the disengaged inquirer to suspend his judgment in expectation of the reserved rejoinder. It deprives us also of the great moral lesson that would in a few years have been gathered from the spectacle of a great nobleman, loaded with all the honours that the Sovereign can confer, enjoying the accumulated wealth of an eight years' Vice-royalty, besides an immense annuity, occupying as master one of the national palaces, and yet living to see and to feel his labours nullified and his plans annihilated by wholesale revision and reversal, his titles and dignities tarnished and vulgarised, his wealth turned into a shame and a reproach, every memory embittered and every thought of posterity poisoned, by the unanimous censure of two nations. I do most sincerely regret—and I trust the regret is not uncha-

itable—that Lord Dalhousie could not have lived a few years more to witness the definitive downfall of his once great reputation.

It is one of the most hopeful omens for our Indian Empire that the downfall of that once great reputation is so manifestly approaching. Lord Stanley has unequivocally condemned the annexation policy and attributed the rebellion in a great measure to the bad spirit which that policy created. Sir Charles Wood has characterised Lord Dalhousie's views on the treatment of Tippoo's family as "most impolitic, harsh, and unjust"; the *Saturday Review*, usually cool, moderate and guarded in its remarks on Indian affairs, declares those same views to have been "shabby and pettifogging. No one in England would have so spoken of Lord Dalhousie three years ago—and most certainly the change in public opinion has not been caused by the noble Lord's lamented death. That change has been slowly but surely preparing ever since the events of 1857 were seen to contradict completely his allegations as to the weakness and hostility and uselessness to the Empire of the native States and has been lately accelerated by the practical condemnation involved in the Adoption despatches of Lord Canning and Sir Charles Wood, and in the sentence of extinction passed in the Bombay Inam Commission.

Lord Dalhousie's greatest imiquities did not even last his time. He survived his retirement but four years, yet he lived to see his boasted acquisitions scattered and dissipated, his most confident anticipations ridiculously falsified, his most peremptory mandates reversed and condemned.

One by one, slowly but surely, the imposing material results of his eight years' Vice royalty, so pompously recapitulated in the farewell Minute of February 1856, are melting away like snow beneath the warmth of the conservative and restorative reaction which has naturally followed this destructive and rapacious policy.

He boasted of having added four millions to the annual revenue, but it has been proved that during his time the expenditure increased much more rapidly than the income, while the last four years' accounts show an average annual deficit of ten millions, surpassing the disastrous wonders even of Austrian finance.

In the recently published Adoption despatch Lord Canning with scarcely concealed irony indicates his condemnation of the refusal to recognise the lawful heirs of the Rajahs of Sattara and Jhansi. The injustice of the annexation of Nagpore has been virtually acknowledged by the concession of the name of Bhonsla, the title of Rajah, the old family estates, and a large stipend to our late ally's grandnephew and heir, whom Lord Dalhousie sought to extinguish by designating him "a Mahratta youth,"—"a stranger,"—and "somebody else."

The highest legal authority in England, the Judicial Committee of Privy Council, emphatically denounced the Tanjore spoliation,<sup>1</sup> and there is good reason to be-

<sup>1</sup> Kamāchi Bai, the senior widow of the Rajah of Tanjore, filed a bill in the Supreme Court of Madras, to recover possession of her deceased husband's private property, which had been sequestrated by the local Government. The Court decided in her favour. The Government of Madras carried the case in appeal before the Judicial Committee of the Privy Council. The decree of the Supreme Court of Madras was reversed, because the Lords of the Privy Council held that the seizure was "an act of State," and therefore not questionable in any municipal court. But Lord Kingsdown,

lieve that the final settlement of the case, now so near at hand, will constitute a denunciation still more emphatic.

The increased and permanent grant to Tippoo Sultan's family the absence of all opposition to it in Parliament or in the English press, and the incidental allusions to Lord Dalhousie, are eminently significant of the altered temper at home, both of the Government and of the country at large.

There are several other strong moral claims, the consequences of Lord Dalhousie's arbitrary acts, which are still unsettled, and by no means abandoned. Prince Axeem Jah, *de jure* Nawab of the Carnatic, has to this day refused to take the pension offered to him, or to resign the inheritance of his forefathers. He, the heir of our faithful Allies in peace and war is not likely to lose heart when he observes the generous consideration shown to the descendants of our most persevering enemies.

The *Calcutta Review* for December 1849 contains an article in defence of Lord Dalhousie, his policy and who delivered the judgment, made use of the following emphatic language :—

" It is extremely difficult to discover in these papers any ground of legal right, on the part of the East India Company or of the Crown of Great Britain to the possession of this Raj, or of any part of the property of the Rajah on his death; and, indeed the seizure was denounced by the Attorney General (who from circumstances explained to us at the hearing appeared as Counsel for the Respondents, and not in his official character for the Appellants) as a most violent and unjustifiable measure. The Rajah was an independent sovereign of territories undoubtedly minute and bound by treaties to a powerful neighbour which left him practically little power of free action; but he did not hold his territory such as it was a fief of the British Crown or of the East India Company; nor does there appear to have been any pretence for claiming it, on the death of the Rajah without a man by any legal title either as an escheat or as bona vacantia.

its results. The article is judiciously written for the purpose, full even to redundancy where the ground is safe, perfunctory even to emptiness where a plausible palliation is hopeless. For instance, great care and considerable space are devoted to proving that the second Burmese war, and the annexation of Pegu, were justifiable, and that not "one tittle of the blame of the mutiny can be laid at the door of the Burmese campaign." But the conquest of Pegu was never a frequent subject of objection, the propriety of the war was scarcely disputed by any one but Mr Cobden, and, as to its influence on the Indian rebellion of 1857, the Calcutta reviewer's argument is superfluous and irrelevant, for no one has ever advanced such an absurd supposition. Pursuing the same judicious plan, the reviewer is very bold and very verbose on the subject of the Punjab, the trump-caid of the Dalhousie school, while he treats the confiscations of Sattaia, Sumbhulpore, and Jhansi as "lapses," and dismisses them without an attempt at justification. Shallow and superficial, this article is yet well written, and well calculated to mislead readers in England who are not familiar with the facts, and I shall therefore not permit it to escape without a few words of protest and exposure.

The question of the annexation of Oude has been thoroughly discussed, almost exhausted, but I must still offer a few observations on its treatment by the reviewer. It is true, as he points out, that "of all the political measures taken by Lord Dalhousie, not one was taken with greater deliberation, was made the subject of such ample reference to England, united in

approval men of more varied experience and opinions, or —but here I must put in a caveat—"was effected at so slight a cost." By "cost" I suppose the reviewer means the actual expense by which the decree of annexation was carried out in 1856 for if the receipts and expenses of Oude from that date up to the present day were to be fairly exhibited, I suspect that there would be a heavy balance on the wrong side, notwithstanding "extraordinary receipts" from the auction sales of the king's elephants, horses, tigers, including the "celebrated Junglar" now to be seen at the Surrey Gardens, not to mention the shawls and kincobs which attracted so much competition at Cawnpore, and the sale of which excited so much hatred and contempt against the Honourable Company all over India. With equal justice and truth it might be said, that the annexation of Jhansi was effected at a very small cost, for at the time there was, in fact, no cost at all to the Government. No resistance was offered by the widowed Ranees a few tears, a few curses, were all the means of offence in her possession at that time and as to the heir the rajah a kinsman and adopted son, a boy of six years old, what could he do? But the Ranees time came in due course, the time when the cost of Jhansi, in blood and treasure, was to be paid in full. And placing a somewhat high value on the blood of British soldiers, and I may add, on the blood of human beings of all castes and colours, I humbly venture to think that Jhansi has cost a good deal more than it is worth. Even by the gross material test of receipts and expenses, I doubt not that in that little province also the balance sheet would be found to

condemn the advocates of annexation, and will continue to do so for an indefinite period

But the reviewer was not ashamed, after two years of rebellion, in which torrents of blood had flowed, and forty millions sterling had been added to the Indian debt, to reproduce those same puerile and despicable apologies for the annexation of Sattara, Nagpore, and Oude, which were used with so much ostentation, and with so much effect on the unthinking, at the several periods of those great political crimes—"The territory of Nagpore," he says, "lapsed without a shot being fired"—"The annexation of Oude was effected with tranquillity"—as if the sternest opponents of annexation had ever doubted that our power was sufficient to overawe all immediate opposition, or to overcome it if any had been offered. But it is pretty well known by this time, that Lord Dalhousie's confident assertions that the change of rule was hailed by the population as a blessing, and that not "a murmur was heard beyond the palace walls,"<sup>1</sup> were erroneous and unfounded, that both in Oude and in Nagpore the chieftains, the local armies, and the military classes, were most ready and willing, and even importunate, to be allowed to have at least one fight, to save their honour, and that if not a shot was fired at Nagpore or Lucknow, we are indebted for this temporary tranquillity not to Lord Dalhousie or his lieutenants, but to the efforts of the widowed Ranees and the deposed King

When the reviewer expatiates, as he does, on the bad government of Oude, the want of protection for

<sup>1</sup> Minute of February 1856, para 27

life and property and the profligacy of the court, he is simply wandering from the subject and throwing dust in the eyes of his readers. All the public and private faults of the royal family of Oude cannot justify the extinction of the sovereignty the seizure of the territory and revenues, and the confiscation of a great part of the private property of our faithful Ally. By the enormous cession of territory amounting to nearly two-thirds of his possessions, made in the treaty of 1801 the Nawab Saadut Ali purchased our support for himself and his descendants, and paid such a price for it as no other native ruler ever did, as General Low when negotiating the treaty of 1837 wrote to the Government of India. In that same treaty of 1801 the strongest guarantees that words could convey (three separate articles reiterating them) were given, that the ruler of Oude should thenceforth be exempt from all those pecuniary demands, which, by a succession of arbitrary exactions, had risen to seventy-six lakhs of rupees per annum. In Article 6 of that treaty the Company guaranteed to the Nawab, his heirs and successors, the possession of the remaining territories, together with the exercise of his and their authority within the said dominions.

The misgovernment of Oude continued notwithstanding the constant good advice of our residents a thoroughgoing Lucknow partisan would say *in consequence* of the incessant meddling and interference, and greedy exaction of loans, by which nearly four crores (four millions sterling) were taken from the Oude treasury in twenty years. There are always two sides to a question, but let that pass. Admit the

misgovernment, let it all be attributed to the King of Oude and his ministers, but all these admissions cannot help Lord Dalhousie and his friends. The treaty of 1801 gave us no right of interference except as friendly advisers, and the treaty of 1837 was made expressly to supplement this defect, and to give us the positive right to interfere effectually, and to assume the management of the country on certain definite terms, in case of "gross and systematic oppression and misrule."

The charge against Lord Dalhousie is, that he deliberately violated both treaties. But, says the Calcutta reviewer, whom I charitably acquit of all originality, repeating the wretched excuses advanced by Lord Dalhousie at the time of the annexation, the Home Authorities "cancelled" the treaty of 1837. It is impossible to deal gently with these unscrupulous subterfuges, or to expose them in mild language. The statement is false—the treaty was not, and could not be, cancelled. A treaty concluded with every formality between the Governor-General of India and the Sovereign of Oude,—signed, and sealed, and ratified, and copies exchanged,—could not be cancelled by the Home Authorities without the full knowledge and consent of the Sovereign of Oude, without, in fact, a fresh negotiation with that express object. The Governor-General had full power to conclude treaties, and the final exchange of ratified copies made the treaty binding upon both parties. The fact is, that the Secret Committee of the Court of Directors simply disapproved of the increased burden of providing a contingent force imposed upon Oude by the new

treaty and desired that the King should be "exonerated from these obligations," to which his assent had been most reluctantly given. But the Secret Committee added—"Although we thus convey to you our directions for the abrogation of the treaty we leave it discretionary with your Lordship to adapt your measures to the state of circumstances as they may exist when you receive this letter." The Governor-General, Lord Auckland, with the advice of his Councillors, General Morrison and Mr Robertson, decided on merely signifying to the King of Oude that he was relieved from the military expenses imposed by the treaty of 1837 and they came to this decision on the express grounds of the difficulty under the treaty of 1801 "of enforcing its conditions," and of the "solemn, recorded, and effectual warning contained in the new treaty of 1837 and of the power obtained by it to "assume the administration as a remedy for gross misrule."<sup>1</sup>

But the reviewer adds— The treaty when published, (in 1845) bore, if we mistake not, a foot note to the effect that it was not considered in force by the British Home Government." The reviewer is mistaken but what if he were right? Can a treaty between two States, solemnly signed, sealed, and delivered, be subsequently cancelled by a foot note, the suggestion of an Under-Secretary or perhaps the bright thought of a compiling clerk? But there is no such foot note. There is a note in the printed volume of Treaties as follows —"The Home Government dis-

<sup>1</sup> Minutes by Lord Auckland, Colonel Morrison, and Mr Robertson: Oude Papers, printed in March 1858.

proved of that part of the treaty which imposed on the Oude State the expense of the auxiliary force, and on the 8th July 1839 the King was informed that he was relieved from the cost of maintaining the auxiliary force, which the British Government had taken upon itself." The treaty of 1837, and our right under it to interfere, and to assume the management of the country, was made the text of a long memorandum of advice and remonstrance addressed by Lord Hardinge to the King of Oude in 1847, which is printed also among the papers to which we have referred. Lord Hardinge distinctly threatens therein to enforce the stipulations of the treaty of 1837, whilst Lord Dalhousie, his counsellors, and his apologists pretend to consider it cancelled by a secret letter in 1838, and by an imaginary foot-note in 1845!

The Calcutta reviewer has either never heard the real charges brought against Lord Dalhousie's government, or purposely evades them, to make a show of refuting charges that have never been advanced. He writes like a true partisan, a true disciple, of Lord Dalhousie. He writes with real gusto and admiration of the "extent, depth, and variety of his Lordship's minutes," and other "comprehensive State-papers," and by the devices of his own slippery rhetoric shews how closely he has studied his great master's style.

There is the true Dalhousie touch in the statement, that "*no objection was raised at the time* to the discontinuance of the titles of the Raja of Tanjore and of the Nawab of the Carnatic"—a mild, modest, inexplicit statement, which averts discussion, and assumes the entire question, but which is totally contrary to

the fact. No objection was made at the time! No objection to the extinction of the Carnatic Principality was made by the Prince Azeem Jah the late Nawab's uncle and heir who up to this day has refused to touch the stipend allotted to him, and still maintains his claim! No objection to the extinction of the Tanjore Raj was made by the Ranees, who are still carrying on an expensive agitation in England! No case, we suppose, of Kamachee Baee *versus* the East India Company was ever tried at Madras and decided in the Ranees's favour and afterwards on appeal elicited the sarcastic and indignant comments of the judges of the Privy Council! Of course these "objections" quite escaped the reviewer's observation "at the time," or his memory subsequently. But were no objections made by the public press? The Tanjore and Carnatic spoliations excited, it is true, little interest either in Calcutta or Bombay but, with the exception of the *Friend of India* which in those days was ever ready to support Lord Dalhousie with a little epigrammatic sophistry I do not remember that a single journal attempted to defend those shameless confiscations while the press of Madras denounced them with an unanimity most creditable to it, and a cogency of argument that left no room for reply. The *Madras Athenaeum* in particular contained a series of most able articles on these flagrant infractions of our treaty obligations. But the Calcutta reviewer would have us to understand that no objection was made at the time, and the statement is so indefinite, so seemingly innocent and candid, that hundreds of general readers will accept it as a fair and truthful representation. It is just as truthful as Lord

Dalhousie's assertion, in the farewell Minute glorifying his own administration, that the widows of the late Rajah of Nagpore had "*themselves admitted*" that no son was adopted by them at the Rajah's death, while at that very time the Ranees were maintaining wakeels at an immense expense in England to prosecute the claims of their adopted son. The apologist is verily worthy of his client.

In pursuance of the same tactics, the reviewer assumes that Lord Dalhousie is charged with intending to absorb *all* the Native States of India, a charge which he proceeds to answer by cataloguing the States that still exist. Thus he tells us that Lord Dalhousie did not annex Bhurtpore during the infancy and childhood of the present rajah. He describes this abstinence from a course for which no possible pretext existed, as "a just and dignified forbearance," but adds, with somewhat ludicrous inconsistency, "We should feel it almost an insult to the Government to vindicate it from the charge of having acted as a perfidious guardian to a helpless ward, were it not constantly asserted that it had spared no one on whom it could lay hands." Lord Dalhousie has never been accused of annexing or confiscating without pretext or pretence. He is charged with having invented pretexts for the annexation of friendly and allied States to which we owed protection. Lord Dalhousie never defied the world's opinion by open and avowed aggression, but tried to gain it by special pleading, and professing a plausible regard for the welfare of the people whom we were to rescue from misrule. Unhappily

for his reputation, there was a way defined by treaty to rescue Oude therefrom which the temptation of its treasury made him overlook, while Nagpore and Sattara were both well governed, and in Tanjore and the Carnatic there were literally no people to be rescued, since the entire administration was in our hands.

The charge against Lord Dalhousie is, that he perverted our position altogether that he destroyed our fair fame annulled treaties at will, and placed the *de facto* paramount power of which he was for eight years the executive head, in untenable and unintelligible relation towards the dependent sovereignties of the empire. His policy neither honestly protective nor honestly hostile, was one destroying the confidence of our friends, justifying the distrust of our worst enemies, converting loyal submission into mere imbecility and what were once calumnies, and what might have been called conspiracy into legitimate reproaches and reasonable precautions. Lord Hastings and Lord Wellesley crushed or coerced our foes. Lord Dalhousie ruined our friends. He was, and always would have been, the best and noblest of servants he was the very worst and basest of rulers.

These are hard words, but they are carefully chosen. I say he was the basest of rulers, because he lowered the reputation of our Government by repeated breaches of our pledged faith because he raised many of our faithful and submissive and nonintrusive feudatories into the conspicuous position of victims and martyrs, and placed them on a moral elevation far above us. It was this flagrant transformation of the legitimate Im-

perial position of protector into that of spoliator, that spread throughout India the notoriously general impression that our time was up, that God was no longer on our side, and that the first whisper of rebellion would be sufficient to call every native prince and chieftain into the field against us. It had been talked of for years, though more especially after the annexation of Oude, and this feeling was universal among the Bengal sepoys.

The British Government, by its actual preponderance, and in most cases by the express concessions and stipulations of treaties, is bound to be the controlling and protecting power of the continent of India, and is in fact, though not by the letter of treaties, endowed with imperial functions and supremacy over all its allies, whether tributary or not. But no paramount and protecting power, no imperial or federal head in Asia or in Europe since the world began, has ever continued for any lengthened period to retain its commanding influence by common and peaceable consent, when it has ceased to respect and protect the integrity of the possessions, and the privileges and the dignity of the minor constituent States. The British Government has lost both influence and reputation by the annexations of the last twenty years. When the para-<sup>✓</sup>mount power avows—as Lord Dalhousie did in the name of the British Government,—a policy of consolidation, and begins absorbing the smaller principalities, it virtually abdicates its protecting and federal supremacy, and assumes a hostile and destroying character, which can lead to nothing but alarm and intrigue, and

which will be submitted to and tolerated, so long as the fear of overwhelming power prevents resistance, and no longer.

There is no more prejudice, no more moral aversion in India, probably much less against the abstract principle, or the practice of a war of aggression and conquest for the acquisition of "natural frontiers, than there is in France. Indeed there can be no doubt that, before commencing such a war a plausible or colourable pretext, to satisfy a certain party at home, and to conciliate the public opinion of surrounding nations, would be more urgently required in France than in the East, where civilisation is less advanced and international law is not much studied. For instance, the princes, chieftains, and people of India, viewing only the outward events from afar and imperfectly acquainted with the details previous to the rupture, expressed and felt none of that disgust and horror at the conquest of Scinde, that they did at the annexation of Nagpore, Jhanai, and Oude and at the Carnatic and Tanjore spoliations. Looking at their own interests and prospects, they undoubtedly felt anxious and alarmed at this new result of our gradual encroachments but the case in itself appeared to them quite fair and simple nothing in it jarred against their primitive notions of political justice. There were battles and victories a city was taken and plundered the princes who had opposed us in the field were sent into exile, their dominions and treasures were appropriated. There was nothing here to offend the moral sense of an Oriental. If the captive princes had all been avowedly despatched by



cussed at Calcutta, in February 1854, General Low<sup>1</sup> was the only Member of the Supreme Council who dissented from that measure and he called attention, in the following passages of his Minute, to that very distinction which I have endeavoured to point out.

"In my conversations with natives when I was in Rajpootana, there never was any unpleasant remark made to me respecting the annexation of the Punjab. Some said Dhuleep Sing was an unlucky youth in having such bad counsellors, but no one ever said that the British Government acted with injustice in annexing that territory to its own."

"But every person who mentioned the subject to me, and there were numerous persons who did so held totally different language in regard to the annexation of Sattara.

It is very remarkable that every native who ever spoke to me respecting the annexation of Sattara, asked precisely the same question, viz. What crime did the late rajah commit that his country should be seized by the Company —thus clearly indicating their notion, that if any crime had been committed our act would have been justifiable, and not otherwise.

As soon as the annexation of Nagpore shall be known, similar questions will be anxiously asked by natives all over India, and no human being will be able to answer them to their satisfaction. They only know a few facts, and they reason upon them. They know that the late Rajah did not make war upon us, or upon any of our allies, they know also that he did

<sup>1</sup> Now Sir John Low K.C.B., the last surviving pupil and assistant of Sir John Malcolm.



(Book I. c. 77)—“The Athenian ambassadors observed to the Lacedæmonian magistrates, that men are much more provoked by injustice than by violence, inasmuch as injustice, coming as it were from an equal, has the appearance of dishonesty while mere violence, proceeding from one stronger seems but the effect of inevitable necessity”

I am very far however from asserting or imagining that all the latent opposition and rankling hatred excited by the annexation policy are to be entirely attributed to pure and patriotic motives, or even to clan affection and allegiance to a dynasty. Undoubtedly there was a strong admixture of the baser element of self. Whether they belonged by birth or service to the intruding or to the superseded power the natives found that their occupation was gone, that their assistance was no longer courted or rewarded. The native soldiery and through them the nations of India, were grievously injured and menaced, both in their self interest and in their personal dignity by the ignoble sequestrations of Oude and Nagpore. They not only saw the princely families of their own blood and religion, whose patriarchal splendour reflected some light even upon their humble path, treated with utter contempt, but they saw also that their own time was gone by. The British Government had now apparently grown so strong by their aid, that it no longer needed their active services, but could produce all the effect of a campaign and a conquest by an imposing demonstration. In Scinde we expelled a dynasty and plundered a great city but we divided the spoil with the army and every sepoy received, as his lawful share, what to



a by word and proverb among them.<sup>1</sup> If our Government, following the bad precedent of Oude in 1856 were silently to envelope Hydersbad,—as was done at Lucknow—with a large force no explanation, or a false one,—as at Lucknow—being offered, until the net was drawn close and were then, trusting to gain the object—as at Lucknow—without fighting, by overawing resistance, to press terms of abdication or mediation upon the Nizam, under some specious plea of his indebtedness or misgovernment, I should look with certainty as a direct consequence of these proceedings, and of the mingled feelings

<sup>1</sup> And yet the Nizam has never been exactly a popular Prince. His court has always been more stately and aristocratic, and the Prince himself more punctilious and secluded than native courts and native Princes are in general. His Government has never been popularly credited with that profuse liberality of rewards and promotions, on great occasions, to the humbler class of its servants particularly to its soldiers after victory which glorifies the vulgar notion of Sivajee, Tippoo and Ranjeet Singh. Chiefly owing to their long and steady alliance with the English the rulers of Hyderabad have won no independent military laurels within the last century, have done nothing to efface their complete humiliation by the Mahrattas at Kurnool in 1794. The fall of Tippoo, a favourite hero, is attributed to British prowess, and the share taken in it by the Nizam is looked upon rather as a disgrace than a glory. And thus, in consequence of the prevalent habit of the common people in every country who endow the Prince, noble, or landlord of the day with special hereditary gifts or defects, the Nizam has much less prestige, and much less general influence, beyond his own frontiers than several Mahratta and Sikh potentates of very inferior possessions. Even taking into consideration the Nizam's position with reference to the Hindoo army and the Mussulmans of Southern India, I believe that on the whole, his open defection during the crisis of 1857 would not have been so formidable a blow to us, or so irresistible an attraction to the unquiet spirits of India, as would that of the Nagpore Bhonslae, or of the Rajah Holkar of Indore, invested as the latter is with the imaginative halo of gallantry good fortune, and generosity which surrounds the memory of Jeswunt Rao Holkar whose transient success against the English under Monsoon—the last success gained by any native Prince—is popularly magnified into a series of splendid victories.

of wounded pride and injured interests excited by them, for a tremendous general mutiny of the Madras army, and a rebellion in Southern India. It might break out at once, on the spot, as it would have done in 1856 at Lucknow, had the King of Oude accepted the offer that was certainly made to him by the Bengal sepoys, or it might be deferr'd during a year or so of importunity, intrigue and conspiracy, but sooner or later it would come. The longer it was postponed, the greater probably would be the area of insurrection. A violent revolution—such as is an uncalled for annexation, where the feelings of the people are outraged, and the foundations of social order disturbed—cannot be made with rosewater, or with ink, or with any fluid except blood. In the case of Jhansi the bloodshed was merely put off for three years, in Oude for only one year.

No, if the annexation were to be done, it should be done quickly, with unwashen hands, and in hot blood. The city of Hyderabad should be rapidly invested with a large army, taken by assault and sacked. The native troops, even the Mahomedans, would forget all their scruples in the midst of that pleasing excitement, they would even ask for more, and the terror and wholesome severity of this process would make a much deeper and more lasting impression upon the local malcontents, and keep them quiet much more effectually, than a proclamation. I have no doubt that every capital city in India might be occupied and plundered, and every principality might be annexed in turn, in this style, with much less danger and much less odium at the time, and with much less bloodshed at the end, than by the slower and more

formal process which Lord Dalhousie recommended and commenced.

Lord Dalhousie was a man of talent and ability but not a man of genius—none of the sacred fire of the poet and of the great statesman burned in that passionless bosom. His was no prophetic soul. He thought of nothing but the ways and means of the day of some immediate, tangible, showy result to be produced. He wanted even the most ordinary foresight, that elementary moral instinct without which power must lead to tyranny. He knew not that an unjust decision is from its origin null and void, will not be accepted, and contains within itself the germs of an endless brood of discreditable difficulties that cannot be set at rest so long as the first injustice stands.

Personally disinterested and thoroughly unselfish, even when worn and broken by disease, and under the very shadow of death, he spared himself no labour physical or mental—but on the other hand—with drawn and set apart, as it were, from all human hopes all social sympathies—he never spared any one who stood in the way however innocently of his settled policy of territorial aggrandisement. He devoted himself so intensely and exclusively to active duties, that—he came to despise mere passive vested rights,—to look upon them simply as obstacles to what he conceived to be the general good of the empire, as valuable assets unfairly kept out of the common stock. At last in some of his Minutes on the Bombay Inams and other alienations of the revenue and on some of his meditated annexations, he propounded doctrines

of systematic spoliation to be paralleled only in the speeches of Marat and St Just, or in the works of Fourier and Proudhon. Of course he did not proceed with these measures, or place on record his socialist denunciations against "an idle and profligate nobility," without some pretensions and professions of equity, and some appearance of argument. Had he done so, he could not even have deceived himself,—that first and most essential preliminary to deceiving the public in political matters<sup>1</sup>. Nor did he lack support in his career of confiscation. A few old and experienced officials, such as Sir Henry Lawrence, Sir William Sleeman and General Low, did on occasion raise a warning voice, Mr Henry St George Tucker and two or three other Directors vainly protested, but on the whole the great body of Indian officials, civil and military, were heartily in accord with the great annexator. Servile Secretaries, emulous of a seat in Council, supple Councillors, aiming at a Lieutenant-Governorship, and, we may charitably admit, quite incapable of contending against a great name and a strong will, all contributed, after their kind, compliant Minutes and volunteer Notes; here they proffered a sophism and there they wrested a fact. Anything and everything that could be rounded into a period was acceptable, prevarication was at a premium. And how could it be otherwise? When he, who in that kingly place ought to have represented

<sup>1</sup> "To deceive one's self is quite as likely a case as to be deceived by another, and probably no religious impostor ever existed, who did not either begin or end by imposing on himself" (*Hints on Inspiration*, part I, page 95). This is equally true of political impostors.

the scrupulous moderation and generous forbearance which became the majestic power and imperial position of Great Britain, was straining and twisting and torturing the plainest phrases in solemn treaties and viceregal letters, to make the worse appear the better reason, and to destroy not only the sovereignty but the very existence of princely families to whom we owed protection, and who owed us nothing,—for we had exacted perpetual payment in advance by cessions or subsidies,—when such was the policy and such the practice of the descendant of a long line of nobles, the pupil and companion of the greatest statesmen of England, what could be expected from the hacks of Calcutta? Even their standard of political morals was deteriorated under Lord Dalhousie's instruction.

Mankind in general are not sufficiently aware that words without meaning, or of equivocal meaning, are the everlasting engines of fraud and injustice."<sup>1</sup> Horne Tooke's vigorous text, though originally applied to the grimgribber of Westminster Hall, worse than the abracadabra of magicians, is equally applicable to the grimgribber of the Supreme Council, when recording its deliberations on some acquisitive "act of state." Since Horne Tooke uttered his vehement diatribe, a series of improvements in the law and in the procedure of our courts, has removed the reproach from our judicial institutions. The proverbial sneers at special pleading are now quite out of place and out of date. And it may be added that our European diplomacy is now conducted in a much more candid and

<sup>1</sup> *Diversions of Purley*

straightforward style, in a higher moral tone, and with more honest and generous objects, than was the case fifty years ago But, although there have very lately been some hopeful indications of larger views and a nobler spirit, there has on the whole been no corresponding improvement in the foreign politics and diplomacy of India during the last fifty years On the contrary, there has been a visible deterioration From the stern but generally upright dealings of Lord Wellesley during the critical struggle with the great native military States, and from the imperial magnanimity by which Lord Hastings consolidated our power, down to the offensive arrogance and reckless rapacity of Lord Dalhousie, in a time of peace and prosperity, and of acknowledged British supremacy, is a fearful descent

Warren Hastings was unscrupulous in his exertions to supply the public treasury during difficulties and dangers that frequently rendered his position most precarious, but he did little or nothing that he hesitated to avow, he worked openly in the Oriental fashion among Orientals, a plan which Anglo-Indian morality, the morality of a weak and struggling community among uncivilised strangers, approved and upheld up to his last day of power His plea was necessity, he neither feared nor despised public opinion, he simply disbelieved in its extension to India No one believed in the influence of public opinion on the affairs of the East, until the burning eloquence of Burke awoke attention to the wrongs of India, and to the disgrace and injury which they entailed upon Great Britain The government of

Warren Hastings led to the India Bill, and the establishment of the Board of Control and henceforth the administration of India ceased to be mercantile and corrupt, and was tempered and guided to some extent by the honour and interests and proud traditions of a great and free empire. The influence of Great Britain continued to increase for many years, the purity of our officials was enforced and established by Lord Cornwallis, and our respect for treaties and engagements became celebrated throughout Asia. But uninterrupted success, and unquestioned supremacy were too much for us the Afghan expedition, and the annexation of Colaba in 1841 were symptoms of a lower tone prevailing, of that spirit of pride and impatience, and hasting to be rich, which has hurried so many individuals and nations into great crimes, and great disasters until at last, during the eight years of Lord Dalhousie's rule, our reputation for good faith and fair dealing sank to a lower level than had ever been known since the time of Warren Hastings.

For Warren Hastings was true and consistent in the line which he adopted. Lord Dalhousie was neither true nor consistent. He never pleaded necessity but promised immense material advantages from his policy. The distinguishing feature of Lord Dalhousie's annexation policy was that it was entirely directed against our friends, against friendly royal families to whom we were not only bound by treaties, but in several cases by gratitude.

No one, perhaps, ever made a more lavish use of "words without meaning, or of equivocal meaning, than Lord Dalhousie did in his well known annexation

Minutes Their effect was irresistible at the time, and with the men for whose persuasion they were penned those fluent decisive sentences, those confident peremptory assertions, the neat peroration recapitulating every inference as a fact, and every surmise as a proof, and the logical practical conclusion which followed so naturally from undisputed illicit premisses, were quite sufficient to secure, and to justify before the world, the concurrence of Councillors, Directors, and Ministers, who, satisfied with the result, never thought of questioning the process It may seem very extraordinary that writings whose chief characteristics—of which I shall give ample illustrations—are sophistry at once bold and transparent, incessant evasions and enormous assumptions, should have proved so fearfully effective as “engines of fraud and injustice,” but it must be remembered that they were written for the perusal and persuasion of only four or five men, who were well prepared for the foregone conclusion, and who submitted themselves to the sweeping, confident dexterity of Lord Dalhousie’s style,—which with a concise symmetrical arrangement is its only real merit,—and to that peremptory, oracular, determined tone which, although it would have been at once impertinent and impotent in an English atmosphere, was at Calcutta appropriate and successful For all purposes of fair consultation and discussion and honest conflict of opinions, the Civilian Members of the Supreme Council, ever since the present form of Government was established, have been utterly useless Men of official habits, accustomed to subordination, dependent on official emoluments, and to

most of whom the good or bad will of the Governor General can decide whether they are to be shelved or promoted, they are not likely to cultivate very strong or marked political opinions. Every Governor-General who has had an opinion and a will of his own, has always had his own way until checked by the Home Government. Only when emboldened by the hesitation and timidity of the Governor-General, or by the known hostility of the Court of Directors, have the Members of Council presumed to think for themselves on questions of first-rate importance.

And then it must be remembered that no opportunity of argument or objection, remonstrance or reply was ever allowed, not even a knowledge of the adverse case in preparation against them, not a glance of it, not a hint of it was in any one instance afforded to the victims of annexation, until the fiat had gone forth.

Sir Bartle Frere,<sup>1</sup> who was the Resident when the Rajah of Sattara died in 1848 was strongly impressed with the impropriety and iniquity of the intention, clearly manifested from the first by Government on that occasion, of deciding the question of the continuance or lapse of the State, without the slightest reference to the claimants, or any communication with the Rajah's family and he protested against it in the following terms —

"I would take this opportunity of respectfully but very earnestly pressing on Government the risk of pronouncing any final decision, whether in favour of one adoption against another or of the British Go-

<sup>1</sup> Now Governor of Bombay

vernment against both, and against all other claimants, without allowing every party, whose claim may be negatived, the fullest possible opportunity, not only of himself stating the grounds of his own claim, but of answering all objections

"It may be that both sides of the case have been already very fully argued in the proceedings of Government, but no man is likely to admit the justice of a decision which negatives a claim to an inheritance when his case has been nowhere stated but by the counsel for his opponent, and when he, the defeated party, has had no opportunity of answering the objections taken to his claim

"Moreover, in the possible case of the ultimate decision being in favour of the lapse to the British Government, that opponent will have necessarily been judge in his own case. It is surely not desirable to add to the necessary and inevitable invidiousness of such a position, the circumstance of the judge having been also the self-constituted counsel for the defeated party"<sup>1</sup>

This bold and honest warning failed to produce any effect upon Lord Dalhousie, and the Government, acting as plaintiff, counsel for both sides, and judge, gave a summary *ex parte* decree in its own favour, ejected the Sattara family, sold them up, pensioned them off, and thus fabricated the precedent which was used for the extinction of the Jhansi, Nagpore, and Tanjore principalities

The Ranees of Nagpore were treated in exactly the same manner as those of Sattara. They were never invited to express an opinion on the subject of the

<sup>1</sup> Parliamentary Papers, Sattara, 1840, p 110-120.

succession, and the grounds of the decision of Government, annihilating their sovereignty and their family were never communicated to them. They were abruptly told that there was no heir to the musnud, and that the Rajah's dominions had "reverted to the British Government, and not another word of explanation was vouchsafed to them.<sup>1</sup> A year or so after the annexation, they were able, in common with the general public, to inspect Lord Dalhousie's Minute of the 28th January 1854 penned about a month after the Rajah's death, in which his grand nephew and heir their adopted son, is styled "a Mahratta youth, and a stranger" and in which, without any inquiry having been made, without any facts or information whatever but by a purely *a priori* argument,—evolved, we must suppose, from the depths of his moral consciousness," just as the German philosopher constructed the ideal elephant,—Lord Dalhousie proved, to the satisfaction of Mr Halliday and Mr Dorn, that tho Ranees natural jealousies, "their feelings and interests," must make them averse to the continuance of the Raj in the person of an adopted son and that it would really be inhuman to encourage them to adopt.<sup>2</sup>

And in that painful case of the succession to the Carnatic musnud, which has naturally excited more interest at Madras than any of the other instances I have mentioned, and which is the subject of the petition to Parliament adopted at the native meeting held on the 15th of this month, the same measure of fair

<sup>1</sup> Papers relating to the Rajah of Berar 1854 p 37  
<sup>2</sup> Duto, pp 5 26

ness and candour was meted out to Prince Azeem Jah. This Prince, the son of the reigning Nawab with whom the treaty of 1801 was made, himself officially recognised by the Court of Directors in 1829, and by Lord Tweeddale's Government in 1843, as "next in succession to the musnud," has never been allowed by Government to obtain the slightest insight into the grounds on which his rights were assailed, and would never have known anything about them but for the Parliamentary Papers printed in April 1860. And in that same publication, which revealed to him the preposterous prevarications by which he was deprived of his inheritance, Prince Azeem Jah also found himself represented to Parliament and the public by Sir Charles Trevelyan and the Secretary of State, as "perfectly understanding and acquiescing in his new position," and as having "abandoned the chimerical idea of the restoration of the Nawabship, and accepted his position as the first native nobleman of Madras"<sup>1</sup>. And yet up to that time he had, as he has up to this day, steadily refused to touch one rupee of the stipend allotted to him, and had never ceased, to the best of his ability and means, to maintain and uphold his manifest rights "Litera scripta manet." There stands this prodigious statement, the last item in the Parliamentary Papers of April 1860, and a fitting tag and tail-piece to a collection containing such unscrupulous Minutes as those of Lord Harris and Lord Dalhousie.

This supposititious acquiescence, this convenient transmutation of *submission* into *admission*, will be found to be one of the favourite rhetorical artifices of

<sup>1</sup> Carnatic Papers, 1860, p 50,

our acquisitive politicians one of the most frequent forms in which words of equivocal meaning are applied by them with cruel though ephemeral effect. I say ephemeral, for the truth must come out at last and whatever may have hitherto been the delusion on that point, it will soon be known to Her Majesty's Government that Prince Azeem Jah has never succeeded in the disinheritance of himself and his children, and in their reduction from the rank of Princes to that of pensioners at will and that not only the Musulman community but the Hindoos of all classes, have never ceased to take a strong interest in the case, or to hope that justice may yet be done to the family of Wallajah.

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## LETTER III.

## THE CARNATIC

Madras, June 21st, 1801

THERE was no family in India to which we were so much indebted, to which we were bound by so many reiterated promises, conveyed even in autograph royal letters, as that of the Nawabs of the Carnatic. Here is an extract from a Minute by the President of Fort Saint George in Council, dated 4th February, 1779 — “All attention and support is certainly due to the Nabob as our old and faithful ally, connected with us by every tie, and demanding from us every indulgence,” and the Minute concludes with these memorable words—“who, with his family, it is to be wished, may long remain instances of our national faith.”

A contemporary historian, who was personally acquainted with the Nawab Mahomed Ali Wallajah, may enable us to form a fair idea of the estimation in which that prince’s character was held by our countrymen in Southern India, at the close of the great contest between the French and English, and of the value they attributed to his past services and to his continued friendship “In the Deccan the British are almost as

powerful as in Bengal. We support Mahomed Ali as Nabob of the Carnatic, and he defrays the expense of our army in defence of his own country. There is in a manner no separate interest between the Nabob and the Company. It is from him they derive their consequence in the Carnatic, and it is by their force he is maintained in his government.

"Mahomed Ali's manner attaches the stranger to him, and commands the friend. The first rarely sees him without feeling an immediate interest in his welfare and the latter has never been known to desert him. Calm, affable and full of dignity he has improved the elevated passions of the Asiatic with what is amiable in the character of the European. The duplicity of the East is lost in the good heart of Mahomed Ali. He is possessed of ambition, without any of those vices which too frequently attend that passion and his policy is never unworthy of the magnanimity of a virtuous Prince. A great man, says Mahomed Ali, may conceal his sentiments, but never ought to deceive. It was my fortune to place the way of rectitude before me in my youth, and I never deviated into the paths of deception. I met the British with that openness which they love and it is my honour as well as security to be the ally of a nation composed of princes. This was his declaration at the conclusion of the late war when he was put in peaceable possession of the Carnatic and these were his sentiments when at the head of his father's army he rejected the offers of France, and saved the very being of the Company by raising the siege of Fort St. David.<sup>1</sup>

<sup>1</sup> Dow's Hindostan, 1770 vol. II, p. 307

Sir Thomas Rumbold, Governor of Madras, writing in January 1780, remarks as follows on the advantages derived from the Nawab's friendship —

"It is unquestionably to this influence that we are indebted for a great part of our prosperity, for our success against the French in India in the last war, and for the decisive stroke made against them so early in the present war, to which, as affairs have since turned out, we owe perhaps our present existence in the East"

It may be said that the Nawab derived great advantage from the alliance, and that he owed his recognition as a Sovereign Prince to our powerful influence. But in the first place it must be replied that not one of the Nawabs has ever denied his obligations to us, all that they have asked for is reciprocity and in the second place it is to be observed that the French set up Chunda Sahib as a rival Nawab, not from any enmity to Mahomed Ali, to whom they made repeated overtures, but solely as a means of annoying and attacking us, who were chiefly supported by Mahomed Ali's assistance.

The services rendered by the Nawab Wallajah are acknowledged in the following terms by the Court of Directors in a letter to His Highness dated the 1st of June 1764. The Directors say — "The assurances Mr Pigot, our late Governor of Madras, has given us of your continued attachment to the Company, and the strong proofs you have yourself produced of your generous attention and good will, in taking on yourself the whole charges of the sieges of Madras and Pondicherry, and in the grants you have

lately made to the Company of lands in the vicinity of Madras, are pleasing and acceptable to us in the highest degree. We are at a loss how to express our acknowledgments otherwise than by the strongest assurance of our firm intention to prove to you at once the sincerity of our past and the warmth of our present friendship by supporting you in the most effectual manner in your government, and by endeavouring as much as in us lies to perpetuate the succession thereof in the direct line of your family" Prince Axem Jah is a direct lineal descendant in the male line of the Nawab Wallajah.

And this promise was renewed in a higher quarter. An autograph letter from his Majesty George III to the Nawab Wallajah, dated the 19th March 1771 is couched in the following terms —

"We received from the hands of our East India Company in July last, your letter accompanied with your different presents. We shall look upon the picture of yourself and your children with pleasure, as it will put us continually in mind of that affection which you have always shown towards us and which we have no doubt will be hereditary in your offspring, as we are satisfied that *our friendship and protection to you and your posterity will descend through our successors from generation to generation*. That we may the more readily afford it, in any circumstances which may arise to you, and to our Company whose interests we look upon as inseverable, and whom we wish to link together in an indissoluble knot, by our Royal hand we have thought fit to send a great force of our ships of war into the seas of India, and having

occasion in our own kingdom for the services of our late Commander-in-Chief and Plenipotentiary, Sir John Lindsay, we have appointed to the command of our fleet Sir Robert Harland, Baronet, one of the Admirals of our Navy, and have made him our Plenipotentiary to you, ordering him to deliver you this letter, and present to you a pair of pistols, out of our private armoury, and some cloths of the manufacture of our country, which we pray you to accept as a token of the continuance of our esteem, of which you will be fully assured by our Plenipotentiary, and we desire that you put entire confidence in whatever he shall say in our name. And so repeating our wishes for your prosperity, we bid you heartily farewell. Given at our Court at St James's, the nineteenth day of March, one thousand seven hundred and seventy-one, and in the eleventh year of our reign

“Your affectionate friend,

“GEORGE R.”

Thirty-three years later the venerable King, in reply to the Nawab Azeem-ood-dowlah’s letter announcing his accession, and after that new treaty had been made, by which, if we are to believe Lord Harris, the hereditary rights of the family were resigned for ever,—once more declared his gracious intention towards the Wallajah family in the following terms — “We congratulate your Highness on your accession to the musnud of your ancestors, on which may you long remain with honour and happiness. Your Highness may be assured that we shall seize every occasion of affording you proofs of regard, and of continuing to your Highness and to your family our especial friend-

ship and protection." This letter is dated at our Court at St James's the 27th day of January 1804 and in the 44th year of our reign," and Prince Azeem Jah, the son and representative of Azeem-ood-dowlah, to whom this letter was addressed,—and who was then a living member of the family to whom the royal friendship and protection were promised,—now claims

the friendship and protection of the representative and successor of George III. I do not believe that he will meet with a refusal. No member of the Wallajah family has done anything since those letters were written to merit the loss of that royal protection which is promised to them.

It is difficult to know where or how to begin with a refutation of the various pleas by which Lord Harris, in his minute of the 20th October 1855<sup>1</sup> attempts to overthrow the rights of Prince Azeem Jah to succeed to that rank, dignity and revenue, for the perpetual security of which to their descendants, his predecessors entrusted all their possessions and resigned all their power to the British Government. I feel more inclined to search for excuses for poor Lord Harris, than to weary and disgust my readers with the monotony of repeated and direct contradictions on points of fact which must form the staple of my remarks. The Parliamentary Papers present to us the humiliating picture of the Governor of Madras, a feeble journey man in the Dalhousie forge working under the very eye and rod of the great master himself, to pick the locks and burst the bars of those solemn treaties and engagements which were expressly framed as a pro-

<sup>1</sup> Papers relating to the War b of the Carnatic 1860, p 12.

tection of the perpetual rights of the weak against the changing interests and policy of the strong

The late Nawab of the Carnatic died on the 7th October, 1855 Lord Dalhousie was then residing at Ootacamund, and lost no time in communicating his views and expectations to the Government of Madras On the 23rd October Mr Secretary Edmonstone writes on the subject, and even while asking for information "as to what passed at the several accessions to the musnud subsequent to the treaty of 1801," his letter contains the following paragraphs —

"3 The late Nawab, the Governor General observes, has left no son, so that there is no direct heir to the musnud

"4 Under these circumstances his Lordship apprehends that the future disposal of the title of Nawab of the Carnatic must be the subject of immediate and grave consideration

"7 In the meantime, his Lordship assumes, as a matter of course, that, until the question regarding the vacant musnud shall have been considered and decided, the Government of Madras will not recognise any one, or permit any one to represent himself as successor to the late Nawab of the Carnatic "

A foregone conclusion is distinctly denoted here, and it was accepted as the Governor General's instructions, the domineering influence at the Hills could not be resisted at Madras How could Lord Harris strain at such a gnat as the "titular" Nabobship of the Carnatic, "a mere pageant," as he himself called it, when Lord Dalhousie had swallowed so eagerly and so easily the camels of Sattara, Jaloun and Jhansi, an

important State like Nagpore, and was known to have decided on the deglutition of Oude? In such a case hesitation was impossible. On the 25th October Lord Harris recorded his Minne early in November Lord Dalhousie arrived at Madras from Ootacamund, took his seat in Council, and expressed his entire concurrence with "that full, able and conclusive paper."

Lord Harris desires to prove, firstly that the Nawah Axeem ood-dowlah, with whom the treaty of 1801 was concluded, and his successors, Asum Jah, his son, and Mahomed Ghous, his grandson, the late Nawab were not hereditary Princes, but (para. 46) merely "dependents of rank, to whom "the sovereign power" chose to grant "certain rights, privileges and allowances," which the sovereign power had undoubtedly the right to rescind<sup>1</sup> at any time and 2ndly that the treaty of 1801 was merely "a personal treaty" with Axeem-ood-dowlah, and that as there was no mention in it of "heirs and successors" it was not binding on the British Government after his death, although "as a matter of grace and favour" they permitted his son and grandson to succeed to the musnud.

To test the correctness of these views we must examine the terms of the treaty of 1801 and we find in the preamble that "the Prince Axeem-ood-dowlah has been established by the English East India Company in the rank property and possessions of his ancestors heretofore Nawabs of the Carnatic. The next question, therefore, and the only question to be decided is,—what was the rank of his ancestors,

<sup>1</sup> Carnatic Papers 1860 p 13

"heretofore Nawabs of the Carnatic,"—because, according to the treaty, in *that* rank, the rank of his ancestors, Prince Azeem-ood-dowlah was established. Nor are these words weakened by those immediately following, which speak of "establishing the connection between the contracting parties on *a permanent basis of security in all times to come*,"—not exactly the terms we should expect to find in a personal agreement made for one life only.

Lord Harris however says (par 69) —"The hereditary right to the Carnatic, the royal titles and privileges, were assumed and certainly allowed by us, but I imagine on no authority which could be considered legal for a Mussulman subject of the Mogul."<sup>1</sup> I might stop here, and claim that Lord Harris has here conceded the whole question; for as he admits that "the hereditary right and royal privileges" were possessed by the Nawabs, and "allowed by us," they must have descended to Azeem-ood-dowlah, who was established by the treaty of 1801 in "the rank, property, and possessions of his ancestors."

But let us not be hasty in our judgment, we will carefully recall the historical facts. The first Nawab of this family, Anwar-ood-deen Khan, was the Governor of the Carnatic, appointed by the Nizam as his deputy, the Nizam himself being deputed as Subadar of the Deccan by the King of Delhi. Neither appointment was hereditary by the original grant, but the ancient customs of India were in favour of hereditary office, and in the decline of the Empire the great vice-royalties, such as the Deccan, Oude, and

<sup>1</sup> Carnatic Papers, 1800, p 14

Bengal, acquired hereditary rights and virtual independence by gradual encroachments and opportune demands, conceded and confirmed in his time of need and difficulty by the Sovereign to whom they still paid ceremonial homage and allegiance, and in some cases tribute. And thus the Mahratta Rajahs, originally Subadars, feudatories and tributaries of the Peishwa, and in Europe the Electors, Markgraves and Counts of the Holy Roman Empire, by the same or an analogous process, became by degrees hereditary Princes with sovereign jurisdiction within their own territorial limits, and owning merely a federal supremacy in the great monarch who was at first their absolute lord and master.

The founder of the dynasty Anwar-ood-deen Khan, though by no means an immaculate character was always friendly with the English and in 1746 protected our settlements at Madras and Cuddalore, when the French had gained a temporary superiority over our forces by land and sea. Anwar-ood-deen was killed at a very advanced age in the battle of Amboor on the 3rd of August 1749 fought against the French and Chunda Sahib who had been set up by them as a pretender to the Nawabship with a view to the destruction of British influence.

The inordinate ambition of the French, and the avowed designs of Dupleix, had by this time, completely alarmed the Honourable Company's Governors at the three Presidencies. It was evident that, under colour of supporting the pretensions of a native Prince, the French were forming the most extensive scheme of territorial aggrandisement. Nothing remained for us

but to contend against these powerful enemies with their own weapons, by supporting a rival candidate for the rule of the Carnatic. Actuated by these motives, we embraced Mahomed Ali's proposals, and took up arms ostensibly in his cause, but really in our own. Our efforts were successful, and the title of our ally was fully recognised by the King of France in Article xi of the treaty concluded at Paris in 1763<sup>1</sup>

In pursuance of the same policy we obtained in 1765, after much negotiation, a complete release and acquittance of Mahomed Ali from all dependence upon and allegiance to his original superior the Nizam, and his exaltation by the firman of the King of Delhi to the dignity of hereditary Nawab, with the title of Wallajah Ameer-ool-Hind, or Exalted Prince of India. "No authority, I imagine,"—if Lord Harris will allow me to echo his language with a difference,—“‘could be considered’ more legal for a Mussulman subject of the Mogul.”

In October 1774 Wallajah writes thus to the Court of Directors —“By the blessing of God I am a *hereditary* Prince, and a firm and steady friend and ally of the King of Great Britain, and am the most attached to the English nation of all the Princes of India” At a much later period (18th of March, 1801), in Omdut-ool-Oomra’s time, when some legal difficulty had to be settled, the Madras Government write thus to the Court of Directors —“We consulted the opinion of the Attorney-General upon this case, and informed Mr Latour that we considered the Nabob of the Carnatic to be an *independent Prince*”

<sup>1</sup> Martens, Recueil de Traites, tome i, p 113

Mahomed Ali Wallajah then was clearly an hereditary Sovereign Prince and no dependent of the Honourable Company his son Omdut-ool-Oomra succeeded him and no new engagement of the Nawab with the East India Company took place during his reign. Azeem-ood-dowlah succeeded his uncle Omdnt-ool-Oomra, and was established by the treaty of 1801 "in the rank, property and possessions of his ancestors, heretofore Nawabs of the Carnatic and we may call upon Lord Harris and Lord Dalhousie to show how he lost the rank of a hereditary Prince, how and when he was degraded to the position of the Honourable Company a dependent, with rank, privileges and allowances which the Company could rescind at will."

The fullest acknowledgments of his rights and privileges as a Sovereign were repeatedly made, both at Azeem-ood-dowlah's accession and on several occasions during his reign, by all the British authorities. Of these I shall in this place give only two examples. Three years after the treaty of 1801 the Governor of Madras writes to the Nawab Azeem-ood-dowlah in the following terms —

The Government was pleased to establish your Highness upon the throne, reserving to itself the administration of the Civil and Military affairs of the country a very considerable portion of the revenue was appropriated to the support of the rank and dignity of the *Sovereign* in his former splendour as well as to the no less princely purposes of extensive charity and benevolence.<sup>1</sup>

<sup>1</sup> Letter from Lord W Bentinck to the Nawab Azeem-ood-dowlah dated the 22nd May 1804. Papers relating to Carnatic Stipendiaries, Madras, 1858 pp. 97 98

And nine years later the Court of Directors write as follows —

"It appears from the report of the Advocate-General, of the 22nd of September, 1810, that the rights of His Highness the Nabob as a Sovereign Prince have been allowed and confirmed by the Supreme Court of Judicature, and declared to be exempt from its local jurisdiction"<sup>1</sup>

The closest and most friendly connection subsisted between the Nawab Wallajah and the Company for upwards of thirty years, without any specific treaty or agreement whatever In 1787 Wallajah concluded a treaty with the East India Company, after many solicitations by the Madras Government, in which the subsidy that he was to pay for the maintenance of troops was fixed; and in 1792, the annual payments having proved to be far beyond his means, Lord Cornwallis made a more favourable treaty in 1792, by which the burden upon the Nawab's shoulders was very much lightened Neither of these treaties contained any cession of territory Omdut-ool-Oomra succeeded his father in 1795, and no change whatever in his political relations with the British Government took place during his reign But at his

<sup>1</sup> From the Court of Directors to the Government of Madras, dated 23d of February 1813, Carnatic Stipendaries, Madras, 1858, p 138 The following extract from Mill's History is also sufficiently explicit — "In the Carnatic, during the contest with the French, they had upheld Mohammed Ali, upon the termination of it, they had acknowledged him as the undoubted Sovereign of the country He was established therefore in the possession of both branches of power, both that of Nazim or the military power, and that of De wan or the financial power, and the Company held the station of dependents, possessing their privileges through his sufferance, and owing obedience to his throne" Mill's *History of India*, edited by Wilson, 1848, vol iv, p 64.

death a great change was to be effected. It had been the leading object with the British Government for several years before the Nawab's Wallajah's death,—but more especially since Lord Cornwallis had effectually broken the power of Tippoo in the campaign of 1792—to obtain the entire civil and military administration of the Carnatic, and to reduce the Nawab amply endowed with a large share of the revenue as his civil list, to that position of the *porc en grais* provided for the grand Pensionary of France in Susey's last and most elaborate constitution, which was so decidedly rejected by Napoleon Bonaparte. This position was rejected with equal decision by the Nawabs Wallajah and Omdut-ool-Oomra, to the great dissatisfaction of the Company who attributed their obstinate objections to the perverse counsels of interested intriguers."

The instalments of the subsidy were regularly paid during Omdut-ool-Oomra's reign but the country was said, and probably with truth, to be oppressively and wastefully administered. The Nawab was killing the goose with the golden eggs the Company alone knew how to make her lay continuously. Soon after Omdut-ool-Oomra's accession, therefore, in 1795 Lord Hobart, then Governor of Madras, vigorously renewed the attempts to induce the Nabob to transfer the Government of the Carnatic to the Company. With this view he wrote several Minutes, explaining what he alleged to be the supreme necessity of such transfer and the Court of Directors, writing on the 31st August 1791 to the President in Council at Madras, use these words—"We sincerely lament that the Nabob could

not be prevailed upon to adopt the modification of the treaty proposed by you" (this modification contemplated the much desired transfer) "and we authorise you to renew the proposition in our name, and you will render a most acceptable service to the Company should you by address, conciliation, and persuasion be successful in procuring his Highness' consent thereto" The Nawab's consent could by no means be procured, and the payment of the subsidy was punctual, affording no pretext for any summary interference. In 1798, Lord Mornington, afterwards Marquis Wellesley, was appointed Governor-General, and immediately on his arrival at Madras he opened a negotiation with the Nawab with a view to a new treaty, but "found His Highness," in the words of the despatch to the Court of Directors, "completely indisposed to that arrangement" In April 1799, the Governor-General addressed from Calcutta a long argumentative letter of sixty-two paragraphs to Omdut-ool-Oomra on the same subject, but the Nawab "opposed a determined resolution to the modification of the treaty of 1792"

But towards the end of 1799 news reached Calcutta that Omdut-ool-Oomra's health was failing, and a new expedient occurred to the mind of Lord Mornington, which, it is important to observe, contained the germ of the plan by which the desired arrangement was subsequently carried out I must give a somewhat lengthy extract from the letter addressed to the Governor of Madras, which is dated "Calcutta the 26th March 1800," containing "directions for his Lordship's guidance in the event of the Nabob Omdut-ool-Oomra's death"

Although the treaty of 1792 was concluded in the name and on the behalf of the Nabob Wallajah and his successors, no obligation of that treaty binds the Company to place or to support on the musnud any individual of the family (if any should be nominated by the reigning Nabob) whose pretensions to the succession may be actually disputed or may appear questionable.

"Various rumours exist relative to the birth of the person of whom the Nabob Omdut-ool-Omrah declares himself to be the father it is, however certain that the mother of this young man is of low origin, and that she was never married to the Nabob It is reasonable to believe that the succession of this young man would be felt as an injury to the rights of the late Ameer's son<sup>1</sup> by all who might think favourably of the latter's title, and all such persons would undoubtedly use every practicable effort to defeat such a succession.

"Under the circumstances, neither party could claim our support under existing treaties and in determining to whom your support shall be granted, we are at liberty to consider the security of Great Britain's interest in the Carnatic, and the general prosperity of the country and the happiness of its people, as the primary objects both of our right and duty

"On this principle, it is manifest that, from the candidate whom we may resolve to raise to the musnud, we may justly require the most ample pledges for the effectual remedy of the evils which now afflict the Carnatic.

<sup>1</sup> Aream-ood-dowlah who was eventually raised to the musnud

"For this purpose, the successor of Omdut-ul-Omrah must be required to surrender to the Company, in the most absolute manner, the civil and military administration of the Carnatic, not retaining possession of a single fortress, nor maintaining any armed force, under any pretext whatever "<sup>1</sup>

These terms were to be offered in the first instance to Ali Hoossain, the son of Omdut-ool-Oomra

"If the Nabob's supposed son should refuse or delay to subscribe to these conditions within twenty-four hours from the present Nabob's death, you will then give the son of the late Ameer the option of the succession on the same terms "<sup>1</sup>

Two points have now been made abundantly clear —1st That the Company were deeply impressed, whether rightly or wrongly is of no consequence, with the opinion that the Nawab's administration was not only injurious to himself and to his subjects, but threatened to be, at least ultimately, destructive of the securities for British interests in the Carnatic 2nd. That the Company were completely puzzled to devise any means by which the administration of the country could be taken by them out of the Nawab's hands without an open rupture, without the employment of force, and a manifest violation of the treaty But when this embarrassment was at its greatest height, when some advisers, despairing of a friendly settlement, were approaching the question of stretching the provisions of the existing treaty, and employing coercive pressure, while the Governor-General was anticipating the death of Omdut-ool-Oomra, and

<sup>1</sup> Wellesley's Despatches, vol ii, p 249 251

insinuating, in a very ingenious and quite Oriental style, the possibility of there being contending claimants to the throne, and sowing the seeds of contention by originating a doubt, which none of the Wallajah family entertained, as to the right and title of the next heir a circumstance occurred, which to the relief of all their embarrassment, was at once and with undisguised eagerness seized upon as affording a plausible pretext for assuming an attitude of menace, and for imperiously demanding that the proposals of the British Government should, without reply or discussion be accepted.<sup>1</sup>

After Seringapatam was taken, a correspondence was found among the Palace records, which had passed between Tippoo Sultan and the two wakoeels, or agents, Gholam Ali Khan and Ali Reza, who had

<sup>1</sup> "When the Governor General, and all his superiors, and all his subordinates, in the Government of India, were languishing and panting for the possess<sup>n</sup> of the Carnatic but afraid without some more plausible reason than they yet possessed to commence the seizure here it wa provided for them in extraordinary perfection. But the very circumstances which recommended it to the eager affections of the East India functionaries, will recommend it to the rigid scrutiny of those whose minds are more happily situated for appreciating the facts" Mill's *History of India* 1848 vol. vi, p. 811. And Lord Wellesley himself, in the first glow of success, writes as follows to the Court of Directors in October 1801 — It is a great satisfaction to have ultimately accomplished an object, long and earnestly desired by the Honourable Company and earnestly recommended by the Court of Directors to my special attention when I had the honour to receive the charge of this Government. Your honourable Committee is apprised of the early solicitude which I manifested for the accomplishment of thi important measure, upon my first arrival at Madras, in April 1799 as well of the repeated attempts which I made on various occasions, in the years 1798 and 1799 to effect the same a literary arrangement. The successive failures of these attempts, combined with the reflections arising from the equally unpropitious result of every preceding proposition of a similar nature have enhanced in my mind the pleasure of witnessing the conclusion of the late treaty" Carnatic Papers, 1804, p. 86

accompanied in 1792 the hostage sons of the Sultan to Madras. These letters from the wakeels to their master were decided by some unexplained process of reasoning to be equivalent to letters directly written by the Nawab Wallajah and his son Omdut-ool-Oomra to Tippoo Sultan. Every compliment reported by Tippoo's servants to have passed in conversation with the Nawabs was interpreted into a proposal for alliance in a holy war against all Christians, and the correspondence was set down as not merely proving the insincerity of the two Nawabs' attachment to the Company, but as constituting them "public enemies" who had forfeited every claim to consideration.

I shall in my next letter make a few remarks on the alleged treasonable correspondence, and other evidence against the Nawabs, in order to give some general notion of its value and weight, but the question of the reality of their disaffection and hostile designs is in fact quite immaterial, for two reasons in particular,— 1st, I have already shown, from Lord Wellesley's letter of 26th March, 1800, that the Government of India had determined to obtain the entire administration of the Carnatic on Omdut-ool-Oomra's demise, long before any charge of perfidy was insinuated against the Nawabs — 2nd, even granting that this perfidy was proved, the full penalty was exacted in 1801 by our assuming the Government, and forcing upon Azeem-ood-dowlah a new treaty, by which he resigned the exercise of sovereign power beyond the precincts of his palace, and accepted a fixed income as his share of the revenues of his principality.

Lords Harris and Dalhousie, however, in their

respective Minutes on the Carnatic case think proper to resuscitate these refuted calumnies, though they prudently abstain from quoting any of the ridiculous documents, or of the still more ridiculous verbal evidence, and harping on some hyperbolical phrases, in which Lord Wellesley states what in his opinion, are the penalties that *might* have been inflicted on the Wallajah family if the British Government had not preferred to act with magnanimity and generosity the two Lords maintain that by the perfidy of the two Nawabs they were placed in the position of

“public enemies,” that the old treaties were thereby abrogated, and that Aseem ood dowlah was placed on the musnnd, as an act of grace and favour by the treaty of 1801 which was “a purely personal treaty” containing “no mention of heirs and successors,” and conferring no hereditary right. I allow that no new right was conferred by the treaty of 1801 but in what part of that treaty is the old hereditary right taken away? How did this new treaty work a corruption of blood in the Wallajah family? Surely hereditary right cannot be forfeited by an occult implication, or by the silence of a treaty especially when that treaty is made to establish the connection between the contracting parties on a permanent basis of security in all times to come. But the treaty in fact is not silent upon this point. The disinheriting interpretation is directly contradicted by the fact that Article II of the treaty of 1801 expressly “confirms and renews such parts of the treaties heretofore concluded between the East India Company and their Highnesses, heretofore Nabobs of the Carnatic, as are calculated to strengthen

the alliance, to cement the friendship, and to identify the interests of the contracting parties" And the 3rd Article speaks of "reviving the fundamental principles of the alliance" between the Nawab's ancestors and the English nation As the former treaties contain ample guarantees of succession to the Nawab Wallajah's heirs, there was no necessity for any special and detailed renewal of that particular guaranty in the treaty of 1801, which confirms, in general, all such parts of former treaties as were favourable and friendly to the Nawab There is not a word of "grace and favour" in any part of the treaty.

Azeem-ood-dowlah,—the father, be it remembered, of Prince Azeem Jah, the present claimant,—was repeatedly assured by Lord Clive and by the negotiators of the new treaty,—as was also Ali Hoossain, his cousin, Omdut-ool-Oomia's son, who, nevertheless, firmly refused to sign away at once the rights of the family and the honour of his father and his grandfather,—that nothing but empty power was lost by the new engagement, that his dignity and privileges, and the advantages enjoyed by the family were unimpaired, and would be maintained without diminution<sup>1</sup> Ar-

<sup>1</sup> Extract from Report of the Commissioners for the Treaty of 1801 —"We replied to the Khans, that the condition now proposed actually existed in the treaties of 1787 and 1792 , and that, although the entire civil and military Government of the Carnatic had been transferred under the operation of that condition to the exclusive administration of the Company, no doubt was entertained that the rank and dignity of Mahomed Ali and Omdut-ool-Oomra, as the Nabobs of the Carnatic had been preserved , we therefore drew this conclusion, that the rank and dignity of the Nabob of the Carnatic could not be injured by extending the operation of that condition , and that the object of proposing an amicable adjustment, instead of proceeding to exercise the rights acquired by the British Government, was manifestly founded on the desire of preserving to the family the rank, dignities, and splendour of the Nabobs of the Carnatic "

ticle 1 of the treaty establishes Azeem-ood-dowlah in the state and rank, with the dignities dependent thereon, of his ancestors heretofore Nabobs of the Carnatic. Their status and rank was that of hereditary Sovereign Princes and in that status therefore was Azeem-ood-dowlah established.

All the official documents of the day prove that not a doubt was ever cast upon his sovereignty or upon his hereditary rights while two successions have taken place since his death. Yet Lord Harris<sup>1</sup> asserts that he his son, and his grandson were dependents of rank, whose rights," "privileges, and "allowances could be "rescinded at any time by the other party to the treaty. His Lordship arrives at this conclusion in para. 46 of his Minute, after discoursing at some length, in a very confused style, on the distinction between "real" and personal treaties, as explained by Vattel, from whom he quotes several passages. But it is obvious that he completely misunderstands the bearing of these passages, and that he completely misapprehends the true difference between a real or public and a personal treaty. A personal treaty according to the doctrines and illustrations contained in chapter xii, b ii of Vattel, is clearly one of those conventions concluded between two Princes, "for an affair" as he says, (§ 190) "peculiar to themselves or their families," and having nothing in it essentially public, or directly affecting the common weal —one of those family compacts or treaties of dynastic alliance which obviously depend for their fulfilment or permanence upon the continuance of personal friendship or

<sup>1</sup> Papers relating to the Nawab of the Carnatic, 1860, p. 18

family connection. Revolution, conquest, and even the demise of the crown may annul such engagements, but do not affect the validity of public treaties, so long as peace is preserved with the other contracting party.

"Treaties," says Vattel, (§ 187) "that are perpetual, and those made for a determinate time, are real, since their duration does not depend on the lives of the contracting parties." The treaty of 1801 was made "for the purpose of supplying the defects of all former engagements, and of establishing the connection between the said contracting parties *on a permanent basis of security in all times to come*." These words, from the preamble, certainly indicate perpetuity, and therefore the treaty is real and not personal.

But even if considered as a personal treaty, it would remain in force so long as the Wallajah family existed. "Treaties, properly so called, are either personal or real. They are personal, when their continuation in force depends on the person of the sovereign, (*or his family*), with whom they have been contracted. They are real, when their duration depends on the state, independently of the person who contracts. All treaties made for a time specified, or for ever, are also real." (*Law of Nations*, translated from G F Von Martens, London, 1803, page 54.) Wheaton, on the same subject, writes as follows — "Treaties are divided into *personal* and *real*. The former relate exclusively to the persons of the contracting parties, such as family alliances, and treaties guaranteeing the throne to a particular Sovereign and his family. They expire, of course, on the death of the King, *or the extinction of his family*." (*Elements of International Law*, Boston,

1855 page 39) The treaty of 1801 does not relate exclusively to the persons of the contracting parties," and therefore is not a personal treaty It purports to be made for great public objects, and for "all time to come, and therefore is a real treaty But even if it had been personal, it would not have expired, because the family of the contracting Sovereign is not extinct.

And then who were the contracting parties" referred to several times in the preamble and in Article II of the treaty of 1801? The recital of the previous treaties especially those of 1787 and 1792 as having

been intended to cement and identify the interests of the contracting parties the statement that "the intentions of the contracting parties have not been fulfilled by the provisions of any of the treaties heretofore concluded between them and finally the declaration that the new treaty and its "additional provisions," are to supply the defects of all former engagements and to establish the connection between the contracting parties on a permanent basis of security in all times to come, manifestly and necessarily denote and include as "the contracting parties," the representatives of the Wallajah family and of the East India Company in the past, in the present, and in the future, and point to a permanent alliance and a perpetual succession. Any other interpretation would be neither grammatical nor logical. And therefore the treaty is real and not personal.

Again Vattel says (§ 189) "When a treaty expressly declares, that it is made for the good of the kingdom, it is a manifest indication that the contracting parties have not intended to make it depend on the duration

of their lives" The treaty of 1801 expressly declares that it is made "for vesting the civil and military administration of the Carnatic" in the East India Company, who are more particularly empowered by Article iv "to constitute and appoint, without any interference on the part of the said Nabob, officers for the collection of the revenue, and to establish courts of civil and criminal judicature." These are no personal or private objects, but are express provisions for the better government of the country, for the public good, and therefore the treaty is real and not personal<sup>1</sup>

If this treaty were personal, then the treaties made by the King of Prussia on the 7th December 1849 with the two Princes of Hohenzollein Hechingen and Hohenzollern Sigmaringen, by which they gave up their dominions to the King, in consideration of certain perpetual annuities and of their dignities and immuni-

<sup>1</sup> This is still more clearly explained in the Proclamation, dated 31st July 1801, and published by the Orders of Government in the Revenue Department, to all the inhabitants of the Settlement of Fort St George and of the Carnatic — "His said Highness the Nabob Azeem-ul dowlah Behauder, and the said Company, being desirous of correcting such errors as have been heretofore introduced into the Government of the Carnatic, and of supplying the defects of all former engagements between the said contracting parties, and being also anxious to give full vigour and efficiency to the Government of the Carnatic, with a view to fix the rights of the people and the interests of the state on a broad and stable foundation, have mutually, and of their own accord, agreed, by a Treaty bearing date the 31st of July 1801, that all former provisions for securing a partial or temporary interference on the part of the Honourable Company in the government, or in the administration of the revenues of the Carnatic, shall be entirely annulled, and that in lieu thereof a permanent system for the collection of the revenue, and for the administration of civil and criminal judicature, under the sole and undivided authority of the Honourable Company, shall be established throughout the entire territories of the Carnatic" Carnatic Papers, 1861, p 105

ties being secured to them, must be personal also and would be good for their lives only so that the King of Prussia could rescind the privileges of their descendants at his will, confiscate the income secured to them by the treaties, and refuse them their promised rank as junior Princes of his house. For if the treaty of 1801 in consequence of its conveying the guaranty of a certain revenue and rank to the Nawah became a mere personal treaty then the treaties of 1849 by which a similar compensation for similar sacrifices is secured to the Princes of Hohenzollern, must be personal also. The cases are exactly analogous, with this exception, that whereas the Princes of Hohenzollern explicitly ceded their territories, and resigned their sovereignty the Nawah Azeem-ood-dowlah neither consented nor was required to do so.

The whole of this part of Lord Harris's argument so far as it is intelligible, is quite untenable. A treaty is not degraded to a personal engagement by its containing any provisions for the private advantage of an individual or family but by its containing no public provisions. The treaties of 1801 and 1849 are real and public, because they were made for great public and political objects, for the general good of the State.

Immediately after his installation, Azeem-ood-Dowlah addressed letters to the King of England, the Prince of Wales the King of Delhi, the Nizam and the Peishwa, which were perused and approved by Lord Clive,<sup>1</sup> in which he informed them that he

<sup>1</sup> The second Lord Clive afterwards Earl of Powis, then Governor of Madras.

had succeeded to the Musnud "by virtue of his right of inheritance." On the 18th December 1801, a circular issued by Lord Clive to all the members of the Nawab's family explains to them, (paragraph 2,) that the new arrangement was made—"to preserve to that respectable family its ancient rank among the Princes of Hindostan," and "that when the Nawab Azeem-ood-Dowlah was raised to the rank of Nawab of the Carnatic, his Highness succeeded to the rights of his illustrious ancestors heretofore Nawabs of the Carnatic." In paragraph 10 of the same document he says that his Highness "succeeded to the rights of the Carnatic." In paragraph 11 he speaks of the "restored alliance," and of the "rank and dignity of this illustrious family," and says that "the alliance is now firmly and perpetually established."

On the accession of Azeem-ood-Dowlah a Declaration was transmitted to the Governors of Bombay and Ceylon, and the Residents of Poonah and Hyderabad respectively, in which occurs the following passage—"And his Highness, Prince Azeem-ood-Dowlah Bahadoo, having entered into engagements for the express purpose of reviving the alliance between the Company and his illustrious ancestors, and of establishing an adequate security for the British interests in the Carnatic, the British Government has now resolved to exercise its rights and its power, under Providence, in supporting and establishing the hereditary pretensions of the Prince Azeem-ood-Dowlah Bahadoo, in the Soubadary of the Carnatic."<sup>1</sup>

Simultaneously with the signing of the treaty of

<sup>1</sup> Marquis Wellesley's Despatches, vol. II, p. 500

1801 the Madras Government issued a proclamation in which they acknowledged that Azeem-ood Dowlah "has succeeded by the hereditary rights of his father and by the full acknowledgment of the Honourable Company to the possession of the said Musnud."<sup>1</sup>

On 3rd August 1801 the Government of Fort St. George address a despatch to the Secret Committee of the Court of Directors, in which occurs the following passage— The rights of Omdut-ul-Omrah founded on the treaty of 1792 having been vitiated by that Prince's violation of the alliance and of the stipulations of that instrument, the hereditary claims of the house of Mahomed Ally descended to the second branch of the family represented by the Prince Azeem-ood Dowlah, the son of Ameer-ul-Omrah who was the second son of the Nabob Mahomed Ally.<sup>2</sup> There is not a word of either past or future hereditary right having been lost or impaired.

Lord Harris boldly asserts in his Minute (paragraph 25) that "Azeem-ood Dowlah was positively and openly declared to have no hereditary claims,"<sup>3</sup> but I think I have adduced a sufficiency of positive and open declarations to the contrary effect and we may now challenge his Lordship to point out where those declarations to which he alludes are to be found.

The truth is, that Lord Harris, misled by the impression on his mind that no rights whatever had been secured to the descendants of Azeem-ood Dowlah after the transactions of 1801 seems to mingle and

<sup>1</sup> Carnatic Papers, 1801, p. 106.

<sup>2</sup> Carnatic Papers 1801 p. 108.

<sup>3</sup> Carnatic Papers, 1800, p. 12.



of his father the Nawab Ameer ool-Omrah Bahadoor" had been *acknowledged* by the English East India Company, and he succeeded in having a new preamble substituted, declaring that the Nawab had been *established* by the East India Company in the rank, property and possession of his ancestors, heretofore Nabobs of the Carnatic," but beyond this sort of indirect admission by Azeem-ood Dowlah of his obligations to the British Government for their favour and support, and of their right, in return for that support, to demand new concessions from him, "to supply the defects of former engagements I do not see that anything was gained by the alteration. It is a mere distinction between "acknowledge" and establish.

Lord Wellealey attached so little importance to the desired alteration, that he expressly cautioned Lord Clive that it should not be proposed to Azeem-ood-Dowlah *at the hazard of exciting any alarm or jealousy in his Highness's mind* or of incurring his *dissent or displeasure*<sup>1</sup>. And in the mean time, anticipating the possibility of Azeem-ood Dowlah's objections, Lord Wellesley ratified the original treaty. But the modified preamble was accepted by the Nawab without discussion.

The most singular part of the case, the most complete contradiction of Lord Harris's unfounded assertion, consists in the fact that although Lord Wellesley undoubtedly desired, without actually denying Azeem-ood Dowlah's hereditary right, to keep it as much as possible in the back ground, he completely failed to

<sup>1</sup> Carnatic Papers, 1801 p 100 110.

do so It is true that he succeeded in persuading Azeem-ood-Dowlah to allow the reference to the "hereditary right of his father" to be taken out of the treaty, and the word "acknowledge" to be altered into the word "establish," but when we observe that Lord Wellesley ratified the original treaty,—thus admitting the truth of its terms,—and was willing to let it hold good if Azeem-ood-Dowlah objected to the alteration, it becomes quite clear that the advantage gained by the Governor-General,—if it can be called an advantage,—was merely formal. But this trifling result dwindles to nothing when the formal silence of the modified treaty as to Azeem-ood-Dowlah's hereditary right, is found to be fully countervailed by the numerous assertions and acknowledgments of that hereditary right, promulgated or approved by the British Government in the explanatory, declaratory, and diplomatic documents of 1801.

When the treaty of 1801 had been concluded, the Nawab, in accordance with the terms of Article XII, issued a circular order "to all his civil and military officers" to deliver up all the districts, forts, and treasuries to the persons appointed by the Company "to manage" them. The order was drafted by the Governor of Madras himself, translated into Persian, and then submitted to the Nawab Azeem-ood-Dowlah for his seal and signature. This order was as follows — "Whereas the musnud of the Carnatic Soobadary was vacant, and I the Nawab Wallajah Ameer-ool-Oomra Madar-ool-moolk Ameer-ool-Hind Azeem-ood-dowlah Auwar-ood-deen Khan Bahadoor, have by the grace of God taken possession of the said musnud, in pur-

*suarce of the lineal right and title as well as with the acknowledgment of the British Company it is therefore directed that you do immediately on receiving this order deliver without any resistance or excuse the Talooks &c. under your control into the charge of the officers of the British Company who have been appointed with my approval."*

And yet this Prince, who takes possession by the grace of God, who approves of the appointment of British officers, and who as we have seen, is bound by a special stipulation of the treaty not to interfere with the collection of the revenue, or with the establishment of courts of justice, is said by Lord Harris (§ 35 of his Minute) to have been a "dependent" of the other contracting party the East India Company.

Perhaps the most important document extant bearing on this subject, is the Declaration issued by the Government of Madras on the 1st February 1803 in order to secure exemption for the Nawab and his household from the process of the Supreme Court, which is as follows<sup>1</sup> —

We, the undersigned, the Governor in Council of Fort St George, do hereby certify That the Nabob Wallajah Ameer-ul-Omrah Madar-ul Hind Azeem ul Dowlah Anwer ul Deen Cawn Bahadur Showkut Jung Sipah Salar Sonbadar of the Carnatic, is acknowledged and recognised by our said Government AS AN INDEPENDENT PRINCE, the Soubadar of the Carnatic Payen Ghaut and an ally of our said Government and we do further certify That from the year 1763 hitherto his late Highness the Nabob Wallajah, his

<sup>1</sup> Carratle Papers 1801 p. 120

late Highness Omdut-ul-Omrah, and his Highness the said Azeem-ul-Dowlah, being successively Soubadars of the Carnatic, and allies of the Government of Fort St George, have severally, with their respective families, resided, and his Highness the said Azeem-ul-Dowlah doth now reside, with the approbation of the Government of Fort St George, near Madras, and within the territories dependent upon the said Government, for the purpose of carrying on, in concert with the Government of Fort St George, the common and united interests of the said Government, and of the said several successive Soubahdars of the Carnatic Payen Ghaut, as such allies

“(Signed) CLIVE.  
„ WM. PETRIE.  
„ M. DICK.”

Azeem-ood-Dowlah is here proclaimed to be an independent Prince, and an ally of the British Government, the fact of several successions having taken place is pointed out, no distinction is made between his position and that of his predecessors, and he is said to act in concert with the Government of Fort St George on behalf of their common and united interests Lord Harris says the Nawab was a dependent, whose rights could be rescinded at any time

Lord Dalhousie, in his Minute (par. 8) says that “when Lord Wellesley, while negotiating treaties with the Nawab of Oude and others, and forming the treaties with those Princes, their heirs and successors, is found negotiating with the Nawab Azeem-ood-Dowlah alone, and omitting all mention in it of heirs and successors, it is very certain that Lord Wellesley did not

intend to extend the provisions of that treaty beyond the life of Axeem-ood-dowlah himself' for "Lord Wellesley was not a man who did things without a reason."<sup>1</sup> No—and Lord Wellesley was not a man to use words of equivocal meaning for a fraudulent purpose he was intent and determined on establishing British supremacy he was ambitious and imperious, but he was not the man to attempt, by a side wind, by a sly and silent omission of words in the renewal of a contract, to juggle away the hereditary right of the Wallajah family while he was incessantly declaring his sense of their strong claims to consideration, and his intention of treating them with "magnanimity and generosity" \*

Lord Wellesley had two great objects in view—the first and most important was to obtain the civil and military administration of the Carnatic—the second to effect this change as gently as possible and to give it a colouring of moderation and mutual agreement. He never alluded to the possibility of a personal or life treaty being made with Ali Hoossain or with Azeem-ood-dowlah and, so far as can be ascertained from the published papers, never thought of attempting such an arrangement. Indeed throughout his persevering scheme for taking the administration of the country out of the Nawab's hands,—from the first germ in the gratuitous doubts of Ali Hoossain's paternity, down to the mature fruit painfully forced from Tippoo's records,—Lord Wellesley never attacks

**I Carry the Papers, I Go p. 44**

<sup>2</sup> W. S. Key, *Bengal Lays*, vol. II, p. 529; and *Carnatic Papers*.

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the rights of the Wallajah family in general, but only maintains that the British Government is not bound to maintain unconditionally the succession of *any particular member* of the family,<sup>1</sup> at first solely under the supposition that Ali Hoossain's legitimacy would or might be assailed by some opposing claimant, and that he would require our support, for which we might impose our own terms, and ultimately, on the plea that the alleged treachery of Wallajah and his son entitled us to demand the most ample security from their successor.

And it is clear that no difficulty was anticipated in persuading Ali Hoossain to come to terms. Lord Clive writes to Lord Wellesley — “I am persuaded that it was not more in your Lordship’s contemplation than it was in mine, that Ali Hussein could be so infatuated and misled, as finally, *under the circumstances of doubt which overhang his birth*, and of disqualification arising from the faithless conduct of *his reputed father*, to reject the terms by which alone he could have become Nabob of the Carnatic.”<sup>2</sup> But there was found to be no party in the Wallajah family adverse to Ali Hoossain, or doubtful of his right, that prince rejected the terms, and the plan would no longer work smoothly. If he had accepted, there would have been no scandal, and no public mention would have been made of the alleged treachery of his predecessors. His bold refusal compelled Lord

<sup>1</sup> “No obligation of the Treaty binds the Company to place or to support on the musnud *any individual of the family*, if any should be nominated by the Nabob, whose pretensions to the succession may be actually disputed or appear questionable” *Ante*, p 62.

<sup>2</sup> Wellesley’s Dispatches, vol. II, p 551.

Clive to set up Azeem-ood-dowlah, and to explain the irregular succession, against which the whole of the Wallajah family protested, by the Declaration from which I have already quoted, denouncing "the flagrant violation of the alliance," and the peremptory refusal by "*the reputed son*" of "a more adequate security" for British interests in the Carnatic.

The key-note of Ali Hoossain's doubtful parentage, struck at a venture by Lord Wellesley before the new theme was selected from Tippoo's *répertoire* is still continued as the dominant phrase throughout the concerted piece. Ali Hoossain is always spoken of as "the supposed son" or "the reputed son." It is constantly hinted, as in Lord Wellesley's original letter of instructions, that Azeem-ood-dowlah's right to the succession is the stronger and it is perfectly clear from the whole tenor of the published papers, that, even if the Seringapatam discoveries had never been made, the same programme would have been carried out. Ali Hoossain would have been excluded on his declining our first proposals, and his exclusion would have been justified by his alleged illegitimacy. Azeem-

<sup>1</sup> "Various rumours exist relative to the birth of the person of whom the Nabob Omdut ool Oosma declares himself to be the father; it is however certain that the mother of this young man is of low origin, and that she was never married to the Nabob. It is reasonable to believe that the succession of this young man would be fit as I try to the rights of the late deceased son, (Azeem-ood-dowlah who was eventually raised to the monarch) "by all who might think fit to marry of the latter's title —" the young man who passed for his Illegitimate son. —Wellesley's Despatches, vol. II. P. 219-231.

"The impression upon the Governor General's mind was, that the right of inheritance if any such had existed belonged to Azeem-ood-dowlah and that the claim of Ali Hoossain the reputed son would probably give great difficulty to the Mysoreans, and induce them to desert the succession. —Carnatic Papers 1800 p. 27.

ood-dowlah would have been installed on the ground of his hereditary right, and the new treaty would have been imposed upon him as the price of our support I am of course not concerned to defend the justice, the moral or logical consistency of Lord Wellesley's schemes, but when we find that the main plea upon which he originally based our right of interference,—Azeem-ood-dowlah's superior claim by legitimate and lineal descent—was maintained by him to the last, we cannot allow Lord Harris, fifty years later, to assert, in defiance of the truth, that this same Azeem-ood-dowlah was declared to have no hereditary rights at all, or Lord Dalhousie to insinuate that because Lord Wellesley did not "do things without a reason," therefore he must have intended slyly and silently to annul those parts of the old treaties which on the contrary he openly and specially confirmed and renewed.

But having now shown that the hereditary rights of Azeem-ood-dowlah's descendants were fully guaranteed to them by his establishment in "the rank, property, and possessions of his ancestors," and by the express renewal and confirmation of all the favourable and friendly conditions of the old treaties, having searched in vain for any hint or suggestion adverse to those hereditary rights in any contemporary document, I shall now proceed to show that there are direct and positive official admissions on record, both in contemporary and in recent documents, that the Nawab's dignity after the treaty of 1801 was still considered and expected to be hereditary in its tenure.

I deny that it is incumbent on me to do this, for even if Lord Wellesley,—"who never did things

without a reason, —had really wished or intended to gain a secret and unfair advantage by the unobserved admission of the words "heirs and successors," or had anticipated that some future Governor General, in some more secure and settled time of our power would be able to seize such an advantage, it is obvious that no such advantage could be fairly claimed under any canon of international law or supported by any maxim of political morality. I am fully convinced that Lord Wellesley is undeserving of Lord Dalhousie's calumny but even if he had been guilty his guilt would have been an ineffectual blunder. Even if the favourable provisions of the old treaties had not been "confirmed and renewed in 1801"—if the treaty of that year had been the first one between the East India Company and the Nawab of the Carnatic,—the establishment of Azeem-ood-Dowlah in "*the rank property and possessions of his ancestors*" would have been quite a sufficient acknowledgment of that hereditary tenure, which had been admitted by the Nizam, the King of Delhi and the King of Great Britain, which had been the basis and justification of the Honourable Company's political action, on which alone depended the Company's territorial title, and which is, in fact inherent and essential in the dignity of a Sovereign. But Lord Wellesley had no intention or wish to disinherit Azeem-ood-Dowlah's descendants.

All that Lord Wellesley required was the perpetual transfer of the civil and military administration, which Wallajah and Omdut-ool-Oomra, relying on the rights secured to them by the treaty of 1792, pertinaciously

refused to resign, and which Lord Wellesley conceived the alleged detection of their treachery justified him in exacting as the condition of the renewal of friendly relations with their successor That was the extent of Lord Wellesley's demands, and that was the extent of the penalty inflicted on the Wallajah family by the treaty of 1801

No verbal omission in the treaty of 1801 could weaken the effect of its 2nd Article, "renewing and confirming" the favourable provisions of former treaties, no private design or mental reservation of Lord Wellesley's could transmute or vitiate that "state and rank of his ancestors, heretofore Nabobs of the Carnatic," which was secured to Azeem-ood-dowlah by the 1st Article of the same treaty But not only is there not a vestige or a trace to be found in Lord Wellesley's despatches and letters, of any such private design or mental reservation against the hereditary tenure of this dignity, but it is distinctly recorded in a state-paper which was certainly submitted to Lord Wellesley's revision and approval, if it did not proceed from his pen, that all the advantages secured to Azeem-ood-dowlah by the treaty of 1801, were also secured to his heirs

The state-paper to which I allude was only published in 1859, it will be found in vol IV of the Duke of Wellington's Supplementary Despatches, p 546 to 586 It is a Memorandum on the Marquis Wellesley's Government of India, said to have been written after the Session of Parliament of 1806, and to have been completed, and filled up with the exact sums and dates at the Board of Control and the India

House. It is not merely improbable, but quite impossible, that this elaborate vindication of his brother's policy should have been prepared by the Duke of Wellington for the information of the Ministry and as materials for a Parliamentary defence, without its having undergone Lord Wellesley's scrutiny and received his deliberate sanction. Many parts of this Memorandum bear a very close resemblance to the elder brother's style and in my opinion we are justified in considering it as a statement of Lord Wellesley's views quite as authentic and quite as direct as if it had been found in his own hand writing and attested by his own signature.

After an explanation of the difficulties caused by Omdnt-ool-Oomra's obstinate independence, and of the opportunity of coercion afforded by his alleged correspondence with Tippoo, the writer of the Memorandum describes the Carnatic revolution in the following terms — *The supposed son<sup>1</sup>* was then apprised of the discoveries which had been made at Seringapatam of the sentiments of the British Government in consequence of these discoveries, and of the measures which they proposed to adopt in the Carnatic. But he refused to accept the situation held out to him under the new arrangement. *As the claim of this Prince to succeed to his father,<sup>1</sup>* supposing that circumstances had allowed of the succession, was by no means clear<sup>1</sup> and as it was desirable for the peace of the Carnatic that the Nabob's family should adopt the arrangement Lord Clive (now Earl of Powis) determined to set aside Ali Hoossam en

<sup>1</sup> The key-note!

tirely, and to propose it to Azeem-ood-Dowlah, the eldest legitimate son of Ameer-ool-Oomia, who was the second son of the Nabob Mahomed Ali, and brother of the late Nabob Omdut-ool-Oomra. This Prince having agreed to the arrangement, a treaty was concluded by which the whole of the civil and military government of the Carnatic was transferred for ever to the Company ; and the Nabob Azeem-ood-Dowlah, *and his heirs*, were to preserve their title and dignity, and to receive one-fifth part of the net revenues of the country”<sup>1</sup>.

This precise and positive declaration leaves no room whatever for doubt or cavil as to Lord Wellesley’s intentions

Three years after Azeem-ood-Dowlah’s installation, when the real objects and original interpretation of the treaty of 1801 must have been fresh in the memory, and familiar to the mind of every high official at Madras, the Governor, Lord William Bentinck, in a letter to Azeem-ood-Dowlah, alludes incidentally, and as a mere matter of course, to the hereditary descent of the Nawab’s dignity — “The eldest son of Seyf-ool-Moolk having been at one period *next in lineal succession to your Highness*, I feel averse to the diminution of his stipend.”<sup>2</sup>

Azeem-ood-dowlah died on the 3rd August 1819, leaving several sons, the eldest of whom was the Nawab Azum Jah — “Under date 2nd October 1819, the Madras Government stated to that of India, that

<sup>1</sup> Supplementary Despatches, Vol IV, p 564-565

<sup>2</sup> Letter from Lord W Bentinck to the Nawab Azeem ood-dowlah, dated the 22nd May 1804, Papers relating to Carnatic Stipendiaries, Madras, 1858, p 98.

it would have been satisfactory to them to have been informed whether the Governor General in Council considered the treaty concluded with the late Nabob on the 31st July 1801 to have guaranteed the succession to the musnud to his family in the direct and legitimate line of descent to which opinion they themselves had always been inclined, as well from the spirit in which the treaty was concluded, as from the tenor of its professions, and also from the terms of the declaration published at that period.<sup>1</sup> They thought it advisable, "now that the Nawab Azum Jah had virtually become a party" to the new treaty that he should be called upon "to execute some formal instrument" recognising its conditions. The Governor General, the Marquis of Hastings, was of opinion that no such instrument or new treaty was required, as he considered "his Highness to be ipso facto a party to the treaty concluded with his father in 1801"<sup>2</sup> The eldest son Azum Jah, was therefore installed on the 3rd of February 1820 and congratulated by the Governor on "ascending the Musnud in the direct line of hereditary succession to your late father".

Lord Dalhousie's comment upon this first succession after the new settlement appears to me to be singularly disingenuous. He says (60 of his Minute) — "Upon the death of Axeem-ood-dowlah the Treaty of 1801 was not renewed. It has never since been renewed. The Government of India on a former occasion expressly declined to renew it. The Treaty of 1801 therefore, has had no existence and its provisions have had no binding force since the

<sup>1</sup> Carnatic Papers I 60 p. 83

<sup>2</sup> Datto p. 40

death of the Nawab Azeem-ood-dowlah, with whom it was concluded, and to whom alone it was applicable."<sup>1</sup> Now it certainly is true that the Treaty of 1801 has never been renewed, it is true that the Government of India declined to renew it, but not, as Lord Dalhousie insinuates, because they considered it void and did not wish it to be made valid, but because they considered it to be still valid, not because, as Lord Dalhousie audaciously asserts, "it was applicable to the Nawab Azeem-ood-dowlah alone," but because his son and successor was "*ipso facto*," (by the fact of his accepting the succession,) "*a party to it*," not because a renewal would have been inexpedient and unprofitable, but because it would have been superfluous. The expression used by Lord Hastings that the elder brother was "*ipso facto* a party to the treaty concluded with his father,"—has no meaning except as an allusion to the collective hereditary rights and obligations of the family, and the special obligations of its head and representative.

Lord Harris also misinterprets the transactions of 1819. He says (§ 13—14 of his Minute) —"It will be remarked that the treaty has reference solely to the Prince Azeem-ood-dowlah. So apparent was this fact to the Government of Madras in 1819, that on the death of Azeem-ood-dowlah in that year, they pointed out to the Government of India that *they were not authorised by the treaty to acknowledge any successor*."<sup>2</sup> No—I do not think this exactly represents what they pointed out. Neither Lord Dalhousie nor Lord Harris choose to quote the actual words of the

<sup>1</sup> Carnatic Papers, 1860, p 48

<sup>2</sup> Carnatic Papers, 1860, p 10

despatches that passed between Madras and Calcutta, but it is quite clear even from what they allow us to see, that no doubt was expressed or entertained in either quarter as to the necessity of some member of the Wallajah family being nominated or acknowledged as successor to the deceased Nawab. There was no hesitation anywhere on the general question of a succession. But the Madras Government asked for particular instructions as to the line of descent, the forms and the conditions of a succession. What they seem to have pointed out was that they were not authorised to acknowledge any particular member of the family as the unconditional successor. There is not a word of grace and favour throughout the correspondence that is published. Neither the Government of Madras nor that of India expressed the slightest doubt as to the hereditary nature of the dignity the only doubt was whether the British Government, by the transactions of 1801 had not established and reserved to itself the right of regulating the succession so that no particular member of the Wallajah family could be allowed to succeed immediately on the demise of a Nawab, "until he had executed some formal instrument recognising the conditions under which he had succeeded." The Madras Government did not doubt the rights of the family under the treaty of 1801 but doubted whether the direct heir ought to be installed, or could be held as bound to the same conditions as his father without a special renewal of the treaty. The Government of India had no such doubt and declared the treaty of 1801 to be in full force. The

<sup>1</sup> Carnatic Papers 1801, p. 55

eldest son of that father succeeded accordingly ; and another son of that same father now claims to succeed in due course. How can he be excluded ? If the elder brother on his succession was "*ipso facto* a party to the treaty concluded with his father in 1801," so also must be the younger brother, on his becoming the head of the family

Azum Jah died on the 13th November, 1825 On the 23rd December, the late Nawab Mahomed Ghous Khan, son of Azum Jah, was proclaimed by the Madras Government as successor to his deceased father There was not a word of grace and favour on this occasion.

On the 14th January, 1829, the Court of Directors, in their public letter, express their approval of certain acts of the Madras Government, on the ground of Prince Azeem Jah's being "*the next heir* in case of the Nabob's demise,"<sup>1</sup> and, in 1843, Lord Tweeddale's Government caused the Prince's name to be placed first in the list of persons exempted from judicial process, "in consideration of the position he has lately occupied in communication with the British Government, and that which he still holds in relation to his Highness the Nawab, and *to his succession to the musnud*"<sup>2</sup> In short, previously to the death of his nephew, Prince Azeem Jah had invariably been treated, both privately and officially, as heir presumptive and successor to the musnud. Not a hint or a surmise had ever been dropped against the hereditary rights of the family It was not till after the late Nawab's death that the Prince received any intimation that his succession would be opposed. The late Nawab, Ma-

<sup>1</sup> Carnatic Papers, 1800, p 15. <sup>2</sup> Ditto, p 9.

homed Ghous, died upon the 7th of October 1855 without issue and his uncle, Prince Azeem Jah, second son of the Nawab Azeem-ood Dowlah, and heir to his nephew according to Mahomedan law and custom, as in English law also now claims to be his nephew's successor. And how can he be excluded? How could the East India Company expect to get rid of him the *de jure* Sovereign of the Carnatic, the undoubted heir and lawful successor who claims under the favourable provisions of the treaty of 1792 expressly "renewed and confirmed" by the treaty of 1801 made with his own father. I have shown that the hereditary right was never given up, or lost, or even assailed for fifty four years after that treaty it was in fact admitted and upheld by every Governor General from Lord Wellesley down to Lord Dalhousie, and by every Governor of Madras from Lord Clive down to Lord Harris.

I shall now prove that the sovereignty of the Carnatic has never been alienated from the Wallajah family and has never been acquired by the British Government. By the treaty of 1801 no territory is ceded, there is no transfer of sovereignty to the Company all that is conveyed is the administration of the civil and military government. By the treaty of 1801 the Arcot family were deprived of the administration of the Carnatic and of all real power beyond the walls of their palaces. A great change was introduced by the treaty of 1801 but most certainly no greater change than was expressly provided for by its terms. This treaty is by no means singular in its provisions. Just as the Nawab Azeem-ood-dowlah in 1801 granted to

the Company "the civil and military administration" of his territorial possessions, so did the Nizam of Hyderabad in 1853 assign Berar and other provinces to "the exclusive management" of the British Government<sup>1</sup> In neither case was there any cession, or any relinquishment of sovereignty We received the Carnatic from the Nawab, as we received Berar from the Nizam, as a *trust* on certain conditions, and not as an absolute possession And at the present day we hold the Carnatic, as we still hold Berar, as a trust,<sup>2</sup> and on no other terms If any other terms exist, where are they to be found ?

At no period from 1801 down to the present day could we have ceded the Carnatic, or any part of it, to any foreign power We could not now cede the Carnatic, any more than the Nizam's province of Berar We could not give a title to any foreign power We could not even state a title for the British Government We could not even point to any claim or assertion of a title by the British Government The uninterrupted exercise of the civil and military administration for fifty years, seems to have blinded the Company as to the real nature of its connection with the Sovereign of the Carnatic The Nawab Azeem-ood-dowlah, his son and his grandson, were not mere stipendiaries of the Honourable East India Company, but its allies.

<sup>1</sup> Parliamentary Papers, Nizam's Debts, 1854, p 144 Scindia also assigned districts in 1843 Vol of Treaties, 1856, p 92

<sup>2</sup> This very term is used by Lord Clive himself in the Proclamation of 31st July 1801, already quoted several times "His Lordship, in accepting the *sacred trust transferred to the Company by the present engagements*, invites the people of the Carnatic to a ready and cheerful obedience to the authority of the Company" Carnatic Papers, 1801, p 105

Lord Harris however gives the following extraordinary opinion in his Minute (§34 35) — It is perhaps rather difficult to define the positions of the contracting parties, but there can be no doubt as to what those positions actually were. The Honourable East India Company was the dominant power, the family of Arcot were in the position of dependents.<sup>1</sup> If by using the equivocal term "dominant power" Lord Harris intended to say that the material power and general influence of the Honourable Company on the continent of India had, towards the latter part of the Nawab Wallajah's reign, increased to such an extent as to preponderate, or dominate very decidedly over the power and influence of the Nawab then he is quite right. But if by using the term "dominant power" he intended,—as I suppose he did,—to imply that the Honourable Company at any time assumed, or pretended to exalt itself to the position of Suxerain, Lord Paramount or superior and to degrade the Nawab to the position of fondatory vassal or inferior then he is completely wrong.

The relative positions of the contracting parties were certainly very peculiar and very perplexing, were gradually complicated by opposing interests, and became at last almost contradictory in principle and quite incompatible in practice with the good government of Southern India. All this I am quite willing to admit. I am quite willing to admit that the settlement of 1801 has been beneficial in its results. All that I argue for is that it was a real

<sup>1</sup> Carnatic Papers, 1450, p. 12.

settlement between two contracting parties, and that in that settlement their relative positions and mutual relations were not altered, either by the exaction of the stronger, or by the capitulation of the weaker party. The Nawab was still to be the Sovereign, the East India Company was to assume permanently those executive functions which under the former treaties it had frequently exercised for a limited period. Azeem-ood-Dowlah was the Sovereign, the Governor of Fort St. George was the administrator of the Carnatic.

These anomalous relations were in those days familiar to Indian politicians. The Great Mogul, whose Imperial supremacy was unquestioned, even by us, in whose name rupees were coined in the British mint, and to whom British Governors and Generals presented tribute and offered humble petitions, styling themselves his Majesty's "devoted slaves," had been for more than half a century subject to the custody and tutelage of a succession of upstart chieftains. The Rajah of Sattara, a prisoner in his palace, was Sovereign of the Mahratta Empire, the Peishwa was its executive head. So late indeed as the year 1818 the British Government negotiated a treaty by which Maha Rao Omed Sing was recognised as the Sovereign of Kota, while Raj Rana Zalim Sing was constituted hereditary and absolute administrator of the principality<sup>1</sup>. And even within the sphere of

<sup>1</sup> "After Maha Rao Omed Sing, the Raja of Kota, the principality shall descend to his eldest son and heir apparent, Maharaj Koowar Kishore Sing, and his heirs, in regular succession and perpetuity, and the entire administration of the affairs of the principality shall be vested in Raj Rana Zalim Sing, and after him

European politics there have been not a few instances of a similar arrangement. The King of Prussia was Sovereign of Neufchatel, which was under republican government, and formed part of the Swiss confederacy. The Sultan is Sovereign of the Danubian provinces, of Servia and of Egypt yet he is by treaty forbidden to interfere in their ordinary administration. The Queen governs the Ionian Islands, of which she is not the Sovereign.

Although therefore, it may be difficult as Lord Harris says, to define the peculiar relation of the contracting parties, it will be seen that this relation is not incapable of being defined, that this relation was by no means singular or unparalleled, and that Lord Harris's own definition of the East India Company as "the dominant power" and the Nawab as "a dependent" is a direct contradiction of the facts of history and of the terms of all the recorded engagements between the parties.

The East India Company possessing Madras and Cuddalore and districts in other parts of India by grants from Hindoo Rajahs, the Nizam tho Nawab of Bengal and the Great Mogul,—quite irrespective of the Nawab's authority—and also as a military power were allies of the Nawab and dealt with him on terms of perfect equality. But with respect to their other holdings in the Carnatic the Nawab was the Sovereign the Company was the vassal.

In 1714 the Raja of Mysore Sring and his son, in regular alliance with the 4 principal Volumes of the three 1 2 p 413. The  
y had been a powerful ruler who had after several struggles no  
longer ruling in his own right in 1714 but by a grant by the  
territory of Mysore to the King and the hereditary  
ruler and now from that date both he and shallower

Wallajah, who found the British in possession only of Madras and Cuddalore, made successive grants, by *sunnud*, of Poonamallee and other talooks, to round off the Company's domain, and in 1763 he made over to his allies the district formerly called the Jaghine, now the Zillah of Chingleput, with a revenue of eighteen lacks of rupees. The English Company, though rapidly acquiring a superiority of material power, were still technically and formally feudatories of the Nawab, and held all their territory, except the town of Madras, as jaghines under *sunnud* from him as Sovereign of the country, and these technical and formal relations between the two parties were not only left intact by the treaty of 1801, but have never been disputed or questioned either before or since the death of the late Nawab in 1855.

The importance that was attached by the East India Company to the recognition of Mahomed Ali as Sovereign of the Carnatic by the treaty of Paris, appears strongly marked in a letter from the Court of Directors to the Government of Fort St George, dated March 9th, 1763 — “A farther advantage we hope to derive from the recognition of this Prince” (the Nawab) “and of Salabut Jung,” (the Nizam) “whose title you will see is also acknowledged, is that it is a confirmation of our title to the territories we hold under grants from those Princes, and a farther security to the peace of the country, leaving the French no colour to interpose hereafter in favour of any other pretenders to the sovereignty of the Deccan or the Carnatic”<sup>1</sup>

During the reign of Azum Jah, son and successor

<sup>1</sup> Asiatic Annual Register, vol x, 1808, p. 495

of Azeem-ool Dowlah, Sir Thomas Munro then Governor of Madras, thus refers to Article 3 of the Treaty of 1801 — "By this the Nawab does not relinquish his sovereignty. He merely renews the Article of former treaties by which he engaged not to correspond with foreign states without the consent of the Company."

The fifth part of the revenue is his claim as Sovereign of the whole Carnatic.

"He is still Prince of the Carnatic, and he is a party to the treaty by which one-fifth part of the revenue is secured to him."

The present assumption of the country is permanent but the relative situations of the Company and the Nawab are the same as in former cases of assumption. The Nawab is still Prince of the Carnatic, and receives in that capacity one-fifth of the net revenue.<sup>1</sup>

And it must be observed that in alluding to former cases of assumption — when under the old treaties the Company assumed the administration of the Carnatic during the wars with the French, Hyder and Tippoo — Sir Thomas Munro declares that the relative situations "of the Company and the Nawab Azum Jah, son of Azeem-ood Dowlah are the same as in the time of the Nawab Wallajah and his son Omdut ool-Oomra."

The following extract of a letter from Fort St. George to the Court of Directors dated 17th February 1802, will show that the sovereignty and feudal supremacy in the Carnatic of the Nawab were after the treaty of 1801 upheld by the British Government.

<sup>1</sup> Gleig's Life of Sir Th. M. Munro, vol. II, p. 325.

both in India and at home, undisturbed, unchanged, and undiminished.

Paragraph 89 — “Having received from the Resident at Travancore an application on the part of the Rajah requesting to be made acquainted with the channel through which his stipulated annual payments were in future to be made to *his immediate superior Lord*, we directed his Excellency to be informed that the *Peshcush, nuzzu anahs and nuzzurs* payable by his Excellency were to be transmitted, according to the ancient usage, to the *Duibai* of the Nabob of the Carnatic”<sup>1</sup> And in a letter from Fort St George to the Court of Directors, dated the 22nd February 1803, it is said — “We have the honour to inform you that, conformably to the principle already explained to your Honourable Court, the Rajah of Travancore has paid to his Highness the Nabob, as *the Sovereign of the Carnatic*, the sum of 2266 pagodas and 15 annas, in full discharge of the Peishcush and Cape Comorin Nuzzurana, due to his Highness for the preceding Phuzly”<sup>2</sup>

The Travancore Peishcush always continued to be paid into the Nawab’s treasury, but since the late Nawab’s death, it has been transferred to the Madras Government, and appears among the receipts of 1861-62 with the following extraordinary entry — “Rajah of Travancore, on account of the late Nabob of the Carnatic,—13,320 Rupees”<sup>3</sup>

Lord Dalhousie absurdly enough says in his Minute,<sup>4</sup> “that no grant of anything is made by this

<sup>1</sup> Carnatic Papers, 1861, p 118

<sup>2</sup> Ditto, p 127

<sup>3</sup> Madras Administration Report, 1861-62, para 604, p 100

<sup>4</sup> Part 7, p 48, Carnatic Papers, 1860

treaty" that of 1801 "to any one but the Nawab Azeem-ood Dowlah himself. Really and truly nothing was granted by it to any one but the East India Company. The Nawab was first established in his ancestral possessions, and then became the grantor, the Company was the grantee. From the first addition made to the limits of the town of Madras, from the grants of Poonamallee and the Jaghires down to the transfer by Azeem-ood Dowlah of the civil and military government the Nawabs were always the grantors and we the recipients. And whatever they the Sovereigns in possession, did not grant, they retained. When Azeem-ood Dowlah relinquished by treaty the administration to the Company he still remained the hereditary Sovereign of the Carnatic, and, as I have shown by official documents, he was repeatedly recognised and proclaimed as Sovereign by the British Government. Two successions have taken place since his death his son Axum Jah, and his grandson Ma-homed Ghous, have occupied the manzud and since the death of the late Nawab our Government has made no proclamation, has laid no claim publicly or officially to the sovereignty. Prince Azeem Jah is the son of Azeem-ood Dowlah and by the death of his nephew the late Nawab, whose heir he is equally by Mahomedan and by English law he has become the representative not merely of his father but of Ali Hoossain his father's cousin who was set aside because he refused to consent to the terms of 1801 and of his great grandfather Mahomed Ali his grand uncle Qadut-ool Oomra, and, both in the male and female lines, of his great-great-grandfather Anwar-ood-deen Khan, the

founder of the dynasty<sup>1</sup> To all intents and purposes, by every principle of law, by the terms of solemn treaties, in justice and in fact, the sovereignty of the Carnatic is at present inherent in the person of Prince

<sup>1</sup> TABLE OF PRINCE AZEEM JAH'S DESCENT

ANWAR OOD DEEN KHAN, Nawab of the Carnatic, 1714, killed in battle, 1740, succeeded by his   son	
MAHOMED ALI, afterwards by Royal Firman entitled WALLA JAH AMEER UL HIND, died Oct 13, 1795, leaving Eldest Son,	Second Son,
OMDUT UL OMRAH, who suc- ceeded his Father, and died 15th July, 1801	AMEER UL OMRAH, died leaving a Son,
Left reputed Son, ALI HOOSAIN, died 6th April, 1802, without issue	AZFEM OOD DOWLAH, suc- ceeded his uncle, Omdut ul Omrah died 3rd Aug 1810
AZUM JAH, succeeded his Father, died 12th November 1825, leaving an infant Son,	*AZEEM JAH, now <i>de jure</i> Nawab
MAHOMED GHOUS KHAN, who suc- ceeded his father under the Regency of his uncle, AZEEM JAH Died without issue, 7th October, 1855	
Lord Harris, with a marvellous want of knowledge of the existing facts, which is only equalled by his ignorance of the past history of this case, says in para 60 of his Minute, (Carnatic Papers, 1860, p 14), that "Prince Azeem Jah has no legitimate sons". He has four,—(1) Zaheer-ood-dowla Mahomed Ali Khan, son of a <i>nikah</i> wife, married after his birth, (2) Intzam-ool-Moolk Ahmed-oollah Khan (3) Oomdut ood-dowlah Noor oollah Khan, and (4) Mow-zaz ood-dowla Mahee ood-deen Yar Khan, the last three being all sons of one mother, the late Saadut oon Nissa Begum, a lady of highly respectable family, daughter of Khan Mahomed Khan, whose grandfather was the last hereditary Killadar of Beejapoor. Lord Harris was probably misled by the vulgar notion that the custom of <i>Shadee</i> is necessary to complete a regular marriage. This is altogether erroneous, as the legal advisers of Government would have told him	

Azeem Jah. And it is a matter of fact that not only has that Sovereignty never been lawfully acquired, but it has never even been assumed or claimed by our Government.

Our possession of the right to rule secures the right to reign to the head of the Wallajah family Azeem ood-dowlah was a hereditary Sovereign Prince and whatever was his status, and whatever were his rights, under the treaty of 1801 such was the status and such were the rights of his two successors, for that treaty was repeatedly referred to by the British Government as in full force and effect, and its provisions were quoted as binding upon both parties, down to the very year 1855 in which the late Nawab died.<sup>1</sup> And such are the rights of the late Nawab's legal heir. And such will be the rights of the representative head of the Wallajah family so long as any legitimate representative may exist.

And if it should be objected that it is absurd to employ this toue of high prerogative and right divine, when speaking of the representative of a very recent line of Princes,—the last three of whom possessed merely a pageant sovereignty—I reply that our only right to the occupation and administration of Southern India, our only moral claim to the submission and obedience of its inhabitants, is derived from the un-

<sup>1</sup> The Madras Government, after quoting the 8th Article of the Treaty remarked (in Extract from the Minutes of Consultation, dated 5th December 1847) that these ladies having long enjoyed all stipends and fiefs to them the character and good faith of the British Government were concerned, and that His Highness was bound by the Treaty to support them. Papers relating to Carr the Superintendent, Madras 1 p 827. There are many similar references to the treaty to be found in the Proceedings of the Madras Government.

questioned sovereignty of that line of Princes, which we have repeatedly bound ourselves to maintain. The English had certainly no natural rights; any that they enjoyed were held under grant from the native Sovereign. The Company acquired no rights by conquest from the Nawab Wallajah or from the Nawab Omdut-ool-Oomra, because not only had they never been at war, but they had continually been close allies. Nothing was acquired from Azeem-ood-Dowlah except what was expressly granted by the treaty of 1801. I have shown that all our promises and engagements in every form, even to the personal assurances of the reigning King of England, were renewed and confirmed when Azeem-ood-Dowlah was placed on the musnud. If he consented to divest himself of the substance of political power, it was only on the faith of a solemn treaty,—according to the terms of which, by written and spoken declarations, and by the forms, ceremonies and observances at his accession, it was distinctly proclaimed that he remained Sovereign of the Carnatic, with the right to a certain share of the revenue, and that nothing was gained by the East India Company but the perpetual civil and military administration. In the present state of affairs it is quite open to any hostile person or power to declare that we hold the Carnatic by no tenure or warrant whatever, that the country has never been ceded to us, or conquered by us, or confiscated by us, that up to October 1855, we administered the Government under the treaty of 1801 as trustees for the head of the Wallajah family, but that since that time we have violated the treaty by withholding his stipulated share of the revenue from

the Sovereign and that we are now simply in contaminated possession, without any right or title or pretext whatever.

I can cast divine right and personal sovereignty to the winds, when the intelligent will and choice of the people revolt against such sanctions but India has not yet arrived at that stage of political education, and I can see no advantage to be gained by its untimely and factious development. I have no rooted objection to revolutions, whether of popular dynastic or even of foreign origin my opinion is that when they make their appearance they are wanted. I hold the ancient dogma of hereditary monarchy very cheap when it opposes or obstructs the public liberties or the common weal but here there is no such question involved. In claiming the sovereignty Prince Azem Jah can claim no regal power no authority to interfere with or influence the legislative or executive action of our Government. The hereditary sovereignty of the Carnatic secured by a series of uncancelled treaties to the Wallajah family remains undisputed, unimpugned and unclaimed by any opponent, even by us, suzerain in the person of Prince Azem Jah. In claiming our acknowledgment of that sovereignty he is simply pleading for the existence protesting against the extinction of the Wallajah family which is either a royal house having rights under the treaty of 1801 and under the friendly and favourable clauses of the old treaties<sup>1</sup> or it is nothing and our right to the civil and military Government and to the revenues of the Carnatic is a nonentity. The two rights stand

<sup>1</sup> Will. 1 Treaty 1801

and fall together Is the Wallajah family extinct? If so, our Government ought to proclaim the fact, and assume the sovereignty This proclamation should be made, because it is the public duty of the actual administrators of the country, to prevent and forbid any feeling, now or hereafter, of unsettled or doubtful allegiance , and the proclamation should be made in the Queen's name, assuming the territorial sovereignty as a lapse or escheat to the *de facto* paramount power, and the *de jure* ruling power But this proclamation never has been and never will be made, for there would be a falsehood on the face of it The royal family of the Carnatic is not extinct, nor is it likely to be so We have certainly acquired no right by Usucaption or Prescription,<sup>1</sup> for up to the late Nawab's decease the existence of his sovereignty and of our administrative trust were never disputed , and since his decease the lawful successor has kept up a continuous claim Prescription is entirely on the side of the Wallajah family If then, the family not being extinct, we yet refuse to acknowledge the right of its head to the dignity of Nawab and to the stipulated share of the revenue, the treaties are violated, and our right to the civil and military administration and to the rest of the revenue, absolutely ceases and expires Our actual power may perhaps be unimpaired,—but, said the great Lord Chatham, “Power without right is a thing hateful in itself, and ever declining to its fall.”

<sup>1</sup> See Grotius, Droit de la Guerre et de la Paix, liv ii, chap ii, Amsterdam, 1724

## LETTER IV

## THE MUSHUD IN ABEYANCE

Not only was the alleged treachery of Wallajah and his son Omdat-ool-Oomra employed by Lord Wellesley in 1801 as the instrument for extorting the civil and military administration of the Carnatic from Aceem ood-dowlah but it is in fact the solitary plea brought forward by Lords Harris and Dalhousie for depriving Prince Aceem Jah of the inheritance secured to him by treaty. The noble Lords revive these ridiculous charges, and assert that as a consequence of their being proved against the two Nawabs, the treaty of 1792, and all previous engagements were abrogated and a merely "personal" treaty concluded with Aceem ood-dowlah. I showed in my last letter that this assertion is totally incorrect and that on the contrary those treaties, so far as hereditary right is concerned are expressly confirmed by the treaty of 1801. But as the denial of justice is entirely based upon this alleged treachery by which the Wallajah family are said to have become public enemies, and to have justly "forfeited their territories, and as Lord

Dalhousie, with all his command of words of equivocal meaning, could not have made the slightest attack upon Prince Azeem Jah's rights without reviving these apocryphal slanders, I will consent, under protest, to pay a little more attention to them I protest against being supposed to lie under any obligation to notice them, because, as I have already observed, that matter was decided by the treaty of 1801, which was imposed upon Azeem-ood-dowlah, without any real discussion or negotiation, by our superior power, but by which no greater change, no greater penalty, can have been introduced than was expressly provided for by its terms

We are called upon then to believe that the Nawab Wallajah, in his old age, after fifty years of faithful alliance and friendship with the English, and thirty years of almost incessant warfare with Hyder Ali and Tippoo Sultan,—both of whom, and especially the latter, had seized every opportunity of injuring him and of loading him with insults,—suddenly took it into his head to conspire against his friends of half a century, and to league with his enemies of thirty years And we are called upon to believe that the time chosen for this sudden change of policy was just when the power of his friends was apparently established without a competitor, and when the power of his old enemy had fallen to nothing, beneath all hope of recovery Wallajah and Omdut-ool-Oomra are accused of having begun their hostile intrigues with Tippoo in 1792, after Lord Cornwallis's campaign, when he had been compelled to cede half his dominions, to pay three crores and thirty lacs of rupees

as a war indemnity and to submit to the humiliating condition of sending two of his sons as hostages to Madras. And it is with two of Tippoo's officials who were sent to Madras in attendance on these young Princes, that the Nawabs are accused of having concerted and carried on this desperate conspiracy with their discomfited foes against their triumphant friends and allies.

Extravagantly improbable as such a tale of conspiracy must appear we should of course be bound to believe it if a sufficiency of evidence were produced. But not only is there no trustworthy evidence brought forward but if every statement made by Gholam Ali and Ali Reza Tippoo Sultan's Wakils both in their written reports from Madras found among the records at Seringapatam and in their depositions before the commission of inquiry were to be accepted as truth, it would amount to nothing. The proofs of dark designs and hostile intentions on the part of Wallajah and his eldest son which were collected by the commission of inquiry are really so frivolous, even if considered as true, that but for the strong bias towards any conclusion affording a pretext for assuming the administration of the Carnatic which we know from his previous endeavours in that direction actuated Lord Wellesley we should be surprised that he did not throw the whole mass of gossip and guess work into his waste paper basket.

As Lord Wellesley and Lord Clive Lord Dalhousie and Lord Harris speak about "a treasonable correspondence having been discovered we naturally expect to hear an awful revelation of diabolical wickedness.

But there is really nothing All that the Government ventured to publish some years after the event,—Lords Harris and Dalhousie do not quote a word,—amounts to this, that Tippoo's Wakeels in their written reports to their own master, represent Wallajah as dissatisfied with his subordination to the Company, and declare that he constantly complimented Tippoo as a pillar of the Mussulman faith, and frequently said that all Mahomedans should be united. The contemptuous term "Heech," or *nothing*, is adopted to denote the Nizam, one of our Allies, the word "Pooch," or *absurdity*, to designate the Peishwa, another Ally, while the English themselves are stigmatised by the treasonable epithet of "Taza Waridan," or the *new-comers*, in a certain cypher and key, which cypher and key were found, *not*—as my readers will be prepared to hear,—in Chepauk Palace, the residence of the Wallajah family, but among the Seringapatam records But then, the Commissioners assure us, these alarming expressions are brought home to Wallajah and his son, because the key to this Persian cypher is in a hand-writing which resembles exactly that of Omdut-ool-Oomra's favourite Moonshee, who had died long before these charges were thought of Such are the proofs of treason! Such is the treason when proved,—“Heech, Pooch and Taza waridan!” “Chops and tomata sauce,” and “don't forget the warming pan”

The historian Mill discusses the subject of this correspondence at great length, and arrives at the following conclusion —“Not only does this evidence afford no proof of a criminal correspondence with Tippoo on the part of the Nabob, but the total inability of the

English to produce further evidence, with all the records of the Mysore Government in their hands, and all the living agents of it within their absolute power is a proof of the contrary since it is not credible that criminal correspondence should have existed and not have left more traces of itself.<sup>1</sup> He adverts to the possibility of the documents being fabricated, which he rejects as extremely improbable, on account of the high character of the officers engaged in the inquiry, and he goes on to say — But an argument more conclusive than any argument from character either national or individual, can almost ever be—at any rate to strangers, and to those whose partiality one has no reason to expect,—is this, that *the papers prove nothing* which most assuredly would not have been the case had they been fabricated for the purpose of proving "<sup>2</sup>" So obviously do the Wakeels letters fail to afford anything that can be called evidence, that even Mr Horace Hayman Wilson, the last editor of Mill's History who generally agrees to differ with his author on points affecting the justice of the Company's policy in India, is forced to admit, that upon the face of the correspondence little appears to connect the Nawabs of the Carnatic of actual treachery against the British Government.<sup>3</sup>

It was enough, however for the Governor-General and he ordered a Commission to be assembled at Settengapatam to examine witnesses in the hope of strengthening this precious documentary evidence.

<sup>1</sup> History edited by Wilson 1814 vol vi p 722

<sup>2</sup> D u d u p 712 213

<sup>3</sup> D u d u n te p 221

This hope was doomed to disappointment, but the plan was not to be relinquished for want of evidence

In the Commissioners' general review of the papers found at Seringapatam there is a considerable use of words of equivocal meaning. The Nawabs are accused of negotiating to establish "a reciprocity of views,"—"a union of interests,"—"a secret intercourse,"—"a connection" with Tippoo Sultan, and similar vague phrases are scattered about, until at last, after a series of gradual insinuations, it is assumed as proved that they tried to form, or agreed to form, "*an alliance*" Yet nothing definitely or even indirectly hostile is shown, even from the Wakeels' reports, and the inquisition held at Vellore and Seringapatam added nothing to the "documentary evidence" The principal witnesses examined by the Commission were the two Wakeels, who, of course, could best elucidate their own correspondence But, says the historian Mill, "the evidence of both, taken together, tends not to confirm one single suspicion, if any could have been justly derived from the papers, but to remove them, every one" The Commissioners themselves say in their report—"We examined Gholam Ah Meer Suddoor, the Dewan Pooineah, and the Moonshee Habeeb Oollah,"—the very men above all others acquainted with the secrets of Tippoo's government,— "but as their testimony did not establish any fact, we thought it unnecessary to record their evidence"<sup>1</sup> Lord Wellesley himself, in a letter to Lord Clive of the 28th May 1801, observes, "The tendency of those examinations is of a nature, in some important parts

<sup>1</sup> Mill's History, 1848, vol vi, p 322

of the evidence, rather to weaken than to confirm the impression made on my mind by the written documents"<sup>1</sup> And in 1808 when all the papers found at Seringapatam, and the Report of the Commission, had been printed in obedience to Parliamentary calls,<sup>2</sup> and the case was undergoing the ordeal of a debate in the House of Commons, the leading lawyers in the House, among whom was Sir Samuel Romilly were unanimous in declaring that the proofs brought forward to convict Wallajah and his son of treacherous and hostile designs, were positively frivolous.

Mr Edmonstone, the Persian translator in his report on the documents found at Seringapatam generalises on their tone and spirit in the following terms —

"It has already been remarked that the phrase of supporting the cause of the faith, (and which is so frequently mentioned by and on the part of the Nabob) implies a determined hostility against those of another persuasion."<sup>3</sup>

The Wolfe's complaint against the Lamb is scarcely more groundless than this. These are mere conventional phrases which between Mussulman Princes could not be omitted without positive incivility. The Nawab Wallajah's expressions are no more inflammatory than those used by the Marquis Wellesley himself who when forwarding a letter from tho

<sup>1</sup> Asiatic Annual Register 1808 p 502.

<sup>2</sup> The whole is laid in the documents taken by the Commission will be found in vol. 1 of the Asiatic Annual Register published in 1808.

<sup>3</sup> Report of Mr Edmonstone Persian Translator on the Documents found at Seringapatam Wellesley Dispatch v L II p 74.

Sultan of Turkey to Tippoo, takes the opportunity of "exhorting" him "to manifest his zeal for the Mahomedan religion by renouncing all intercourse with" the French, "the common enemy of every religion, and the aggressor of the Mahomedan church"

The Sultan in his letter written at the instance of the British ambassador at Constantinople, to detach Tippoo from his French advisers, adjures him by "the general ties of religion," observes that he is "justly famed for his zeal and attachment to the faith," calls upon him to assist "his brother Mussulmans, according to the obligations of religion," and to "place confidence in the Omnipotent source of all succour, and in the intercession of him who is the glory of prophets"

In the mouth of Wallajah such words are invitations to commence a holy war against all Christians!

Tippoo himself openly writes as follows to the Nawab Wallajah in a letter which was communicated by the latter to the Madras Government — "My hope from Almighty God, and my confidence in the prophet, is that according to the command of God and of the prophet, which is well known to all Mussulmans, all the faithful will exert themselves with heart and soul in maintaining and rendering permanent the religion of Mahomed. Upon your Highness, who is one of the heads of the faith, this is an absolute duty, and I am confident that your Highness will by all means constantly employ your time in performing what is obligatory on you"<sup>1</sup> According to Mr Edmonstone's rule this would be an open invitation to join in a holy

<sup>1</sup> Wellesley's Despatches, vol II, p 743

war against all infidels. Yet it does not seem to have alarmed our Government at the time, or to have caused the slightest remark or inquiry.

On the whole, after a careful examination of all the evidence that has been allowed to see the light, I must deliberately state my opinion that the private exhibition of these apocryphal calumnies in 1801 was far more discreditable to Lord Wellesley than to the unfortunate Wallajah family and that the attempt to revive them, and to make them do double duty in 1805 to the detriment of the rights of our ally is even more discreditable to our Government, and must not be allowed to succeed.

"During the last autumn the Nawab of the Carnatic very suddenly died. As the treaty by which the mosnud of the Carnatic was conferred on his Highness's predecessor was exclusively a personal one as the Nawab had left no male heir and as both he and his family had disreputably abused the dignity of their position, and the large share of public revenue which had been allotted to them the Court of Directors has been advised to place the title of Nawab in abeyance, granting fitting pensions to the several members of the Carnatic family."<sup>1</sup> Such are the memorable words in which Lord Dalhousie on the eve of his departure from India, recorded the proposed extinction of all the right privileges and possessions of the descendant, heir and representative of our oldest most serviceable and most faithful ally. The passage is remarkable as it contains examples of every fault of literary

<sup>1</sup> Lord Dalhousie's Note dated 24th February 1805 para 5 p. 11

style and moral tone, for which Lord Dalhousie's political writings are so conspicuous. There are frequent instances of the use of vague, or ambiguous slipslop phrases in Lord Dalhousie's Minutes. The application of the term "in abeyance," where it was obviously and certainly intended to signify that the title was extinguished, is an illustration in point. A second still worse instance occurs in this same passage, where the incorrect expression amounts to a false allegation, and is evidently used with the object of concealing the iniquity that had been perpetrated. This is the statement that the Nawab of the Carnatic died without leaving any "*male heir*," where all that could have been said with truth was that he died without any "*male issue*." The fact is that while Prince Azeem Jah is undoubtedly the heir of the late Nawab his nephew, by English, as well as by Mahomedan law, there are, besides Prince Azeem Jah's sons, numerous other descendants of the Nawab Wallajah, who could claim successively as the late Nawab's male heirs. But this audacious employment of the terms "*no male heirs*," "*no direct heirs*," and "*no natural heirs*," as if they were synonymous with "*no male issue*," is the great pivot upon which Lord Dalhousie's machinery of annexation was made to work.

The next point which calls for observation is a specimen of Lord Dalhousie's favourite device of heaping obloquy upon his victims, to withdraw public sympathy from them, and the reader's attention from the facts and law of the case, by introducing, either as an argument or as an illustration, irrelevant and often unfounded aspersions on the private morals or public

character of the Prince whose heir and representative was marked for destruction. Thus, on no foundation whatever except some gossiping rumours from the Resident's diary Lord Dalhousie stigmatised the late Rajah of Nagpore as "having lived and died a seller of justice, a miser a drunkard, and a debanchee"<sup>1</sup> Yet the poor Rajah was our good friend and humble ally for thirty-five years, he never required our assistance or interference, and he was much beloved by his subjects. In the same manner Lord Dalhousie recommends the extinction of the Carnatic principality because, says he, both the late Nawab and his family had disreputably abused the dignity of their position and the large share of public revenue which had been allotted to them. Now before making any further comment upon this, I must observe that whatever revenue was allotted<sup>2</sup> to the Nawab was allotted, or rather reserved to him by treaties which secured to us the exclusive use of the remaining revenue of his dominions.

But why should Lord Dalhousie have used these guarded phrases, this generalised disparagement? Why not go the whole length at once and say plainly that the late Nawab was a circumcised ruffian<sup>3</sup> or "an infidel sensualist" and that princely titles and a large income were not for him or his compeers in these enlightened days? Lord Harris, as I shall show did say something very like this. Such language would have been quite equal in logical force and applicability to that employed by Lord Dalhousie and far superior in honesty. For what connection was there between

<sup>1</sup> F. R. M. L. 1849 to the R. J. of B. 1851 p. 31

the Nawab's private character and his right, or the right of his heir, to the dignity and revenue guaranteed to them by treaties<sup>1</sup> We did not make any such stipulation as that the Nawabship should remain with the descendants of Wallajah so long only as the head of the family abstained from the seven deadly sins, or on condition of his avoiding the bad example of George, Prince of Wales, and Frederick, Duke of York, or place any other restrictions over the vices or extravagance of our ally Such virtuous stipulations are not usual in treaties, but Lords Harris and Dalhousie, and the Honourable Court of Directors seem to think they might be taken for granted, though unexpressed. Lord Harris, indeed, went considerably further, and took the opportunity to object to *all* native Princes, unless, as I understand him, they consent to become Christians "I will not say that greater care could not have been bestowed on his training, or that greater success might not have been obtained by some other method of education than those which were tried, but I do assert it as my belief, that nothing that any Government can do will be sufficient to counterbalance the evil effects which will be derived by a native Prince, either Hindoo or Mahomedan, from the circumstances of family, of creed, and of position,

<sup>1</sup> Let us try to imagine the reception that a Radical member of Parliament or writer would meet with, who should propose to annul the hereditary charge upon the Post Office or the Excise revenues, or to resume the Crown or Church lands, enjoyed by some noble family, on the ground of the immoral life of the actual or late possessor! And yet what comparison can there be between the validity of such tenures and of that which rests upon solemn treaties, —treaties moreover upon which alone depends our right to occupy and govern the Carnatic?

in which he must be placed.<sup>1</sup> We might be very grateful to Lord Harris for a demonstration of the incurably evil effects of the Hindoo and Mahomedan creeds, if he would only give it to the world at a proper time and in a proper manner but I cannot see that an *obiter dictum* on the inevitably bad morals of Hindoo and Mahomedan Princes, which involves a wish that *all* such Princes could be extinguished ought to have found a place in a Minute by the Governor of Madras or ought to have had any weight in deciding the question of the rights of inheritance, and the credulity of treaties. Yet it evidently did have weight, for the Court of Directors in their despatch of the 15th March, 1856 say "the effect has (as was truly observed by Lord Harris) been morally most pernicious" and Lord Dalhousie, as we have seen reproduces the same virtuous sentiments in his self-glorying parting address.

It is wonderful how the moral indignation of Lord Dalhousie rises when it affords an excuse for repudiating an inconvenient treaty. But in point of fact these moral professions and virtuous objurgations,—extended as they are by Lord Harris to include the inhabitants of the Mussulman quarter of Madras Triplicane an idle and dissipated population in the chief city of the Presidency<sup>2</sup>—are as unjust and libellous as they are insincere impertinent and irrelevant to the question. The idea of a population of 100 000 people twenty times more than can have ever been directly or indirectly dependent on the

<sup>1</sup> P. 15 referring to the N. w. of the Carnatic p. 11  
<sup>2</sup> D. 1 p. 40

Nawab's revenues, being in general "idle and dissipated," is preposterously absurd, and contradicted by all experience of human nature, and of the nature of Indian Mahomedans in particular. But I have instituted a careful inquiry on this subject, and I entertain no doubt of the fact, that the Mussulman inhabitants of Triplicane constitute as sober, orderly, and industrious a population as can be found in any part of India. That the late Nawab, notwithstanding some redeeming features in his character, was dissipated in his habits and reckless in his expenditure, cannot, I believe, be denied. But his father and grandfather were most excellent Princes; and there are many members of the family, and many other Mahomedan gentlemen at Madras, who are remarkable for their learning, charity, and for their enlightened attention to that limited portion of public affairs in which the present system of administration permits native gentlemen at the Presidency towns to participate.

What the better class of Mahomedans at Madras, the inhabitants of Triplicane, and the Mussulman population of Southern India, may become in the future, what change a few years may make in their political and religious feelings and hopes, I do not pretend to prophesy. It will depend very much on the general circumstances of the country, on our external relations, and even on events in Europe or Western Asia. During a period of commercial success and prosperity, and political tranquillity, there would probably be a very small tendency towards religious fanaticism or seditious movements. But of this I am certain, that the great barrier against

Mussulman fanaticism in Southern India has been broken down, the most effectual restraint removed, and a cause of offence and hatred instituted, by the disinheritance of Prince Areem Jah, the bitterness of which will rather be aggravated than diminished by the lapse of years.

Not only is there great dishonour and disadvantage to Government in being reproached by all classes with the injustice and ingratitude of ruining the family of the Nawab but the Mahomedans in particular—erroneously I admit, but with feelings neither unnatural nor unreasonable,—attribute the repudiation and degradation of their Imam their spiritual chief the patron and guardian of their religious rites, to deliberate persecution. There is no priesthood properly so called, in the Mahomedan religious system. Mussulman devotions require no officiating minister no class is set apart and consecrated to perform sacrifice or other public ceremonies, or to pronounce authoritatively on doubtful or disputed points of dogma or morals. On these occasions the leading part is taken by the Sovereign, if he is a Moslem or by the person of the highest rank and authority present. Islam is in short the perfection of Erastianism. The Prince is everywhere the Imam or spiritual chief. There are it is true schools of divinity there are teachers of religion—who are not however priests but doctors of the law the Mussulman criminal civil and canon law being all founded upon the Koran—and there are monastic orders, mostly of the mendicant and itinerant class whose members are venerated as holy men without having any priestly functions. But

neither doctors nor ascetics have any mode of asserting authority, or can give any weight to their sentences and their lessons, except so far as they are supported by the Imaum or spiritual leader. There may, sometimes, be differences of opinion between the schoolmen and the ruler, the Sheikh-ool-Islam at Constantinople has often been in opposition to the Sultan, but has invariably been compelled to succumb to the head of the church, or has been removed. If he were at any time to persist, and were backed by a considerable party, it would be at once a rebellion and a schism.

It was, therefore, an inestimable advantage to our Government to have a person of the highest rank, allied and associated with us by ancient ties, traditionally and habitually obedient and dependent, placed at the head of the Mahomedan community of Southern India, as their Imaum or religious leader. I am distinctly of opinion that if there had been no Nawab of the Carnatic, we ought to have invented one. A Prince so situated, residing at one of the great centres of our power, with so much to lose, and so little to expect from any disturbance, could not be anything but conservative in politics and moderate in religion, and in a time of religious revival or excitement he could be held responsible for the manner in which he made use of his influence. Now, by a flagrant breach of faith, we have deposed the recognised hereditary Imaum, our friend and ally, and have handed over the Mahomedans of the Madras Presidency, guideless and uncontrolled, to the first mad fakir or Moulavee.

who can contrive, perhaps at some difficult crisis, to set himself up as a spiritual leader

In the Administration Report of this Presidency for 1861-62 (§ 681 p. 125) Prince Aseem Jah's claim to the musnud of the Carnatic, is said to have been finally rejected." But the Prince has not, it is understood, abandoned his claim nor is it to be believed by any one who has patiently examined the published papers, that he or his sons, or the lineal male representative of the Wallajah family to the latest posterity will ever consent to abandon or compromise those rights which are secured to them by four solemn treaties ratified by the autograph letters of four British Sovereigns. I cannot look upon this decision as final, nor can I advise the Prince or his adherents to accept it as final, for it was originally founded on arguments manifestly unfair and statements of facts positively false nothing has since been added to the arguments and statements brought forward by Lords Harris and Dalhousie in 1806 and even Sir Charles Wood, while declining to disturb the decision of the Court of Directors,<sup>1</sup> carefully abstains from upholding it on its merits. That decision has neither foundation nor support, and it must fall whether Sir Charles Wood disturbance it or not. It has produced in the Carnatic, as I have endeavoured to show in the preceding Letter a political portion of unexampled depravity under which the British Government is left with no legal title to the occupation of the country and no moral claim to the obedience of the inhabitants. Our administration

<sup>1</sup> In a Dispatch to the Government of Fort St. George dated 5th April 1842.

is at present based neither upon compact nor upon conquest, but simply upon a breach of trust, which offers a cruel provocation to our best friends, and a most plausible pretext to our enemies, both internal and external.

The present Nizam's father in 1853, when called upon to cede territory for the pay of the Hyderabad Contingent, made the following observations to the Resident, General Low —“‘I am a Sovereign Prince, born to live and die in this kingdom, which has belonged to my family for seven generations, if I were to give up a portion of my kingdom to your Government in perpetuity, it is totally impossible that I could be happy, I should feel that I was disgraced I have heard that one gentleman of your tribe considered that I ought to be quite contented and happy if I were put upon the same footing as Mahomed Ghous Khan,’ (meaning the present Nawab of Arcot,) ‘to have a pension paid to me like an old servant, and have nothing to do but to eat, and sleep, and say my prayers’ Here his Highness made use of an exclamation in Arabic, which expresses both surprise and anger, and with a manner and a tone of voice which seemed to me to indicate anger in no ordinary degree.”<sup>1</sup> Since that interview took place, even the “pension paid to him like an old servant” has been denied to Mahomed Ghous Khan’s heir And the Government of Hyderabad has not ceased to watch with interest our treatment of their former dependent, the Nawab of the Carnatic It is generally understood at Madras, the report having come from very

<sup>1</sup> Blue Book, the Nizam, 1854, p 120

good authority that, in August 1857 the Resident at Hyderabad informed the Government of Fort St. George that the Nizam had remonstrated in open Durbar on the disinheritance of Prince Axeem Jah, and observed in a sarcastic manner that they might next think of treating him, or his heir in the same manner. We do not seem, then to have much strengthened our political position or added to our moral dignity in Southern India, by destroying so influential a friend as the Nawab of the Carnatic. That measure appears to have been—as Talleyrand said of Napoleon's invasion of Spain—worse than a crime. It was an enormous blunder. Will the Queen's Government have the moral courage to redress it?

Lord Dalhousie in his Minute of review dated 28th February 1856 thus mentions the result of his deliberations on the vacant musnud of the Carnatic—

The Court of Directors has been advised to place the title of Nawab in abeyance. This is a word for which we may well feel grateful to Lord Dalhousie; this is a word, not of equivocal meaning, but the meaning of which whether Lord Dalhousie understood it or not is eminently favourable to the cause of truth and justice and points to the only mode by which the British Government can be extricated from an untenable and discreditable position. The title is in abeyance—

"Thank thee S<sup>r</sup> for teaching us that word!"

A title that is in abeyance is not extinct.

The title is "in abeyance" according to Lord Dalhousie and I accept the phrase as of good omen and as an accurate description of the state of affairs.

Neither the feeble evasions, nor the bold assertions of Lords Dalhousie and Harris, nor the confident orders of the Court of Directors, nor the otiose approval of the Board of Control, can annihilate or weaken the rights of sovereignty belonging to the representative of the Nawab Wallajah, and secured to him by existing treaties. Those rights remain undiminished, and, as the British Government has never acquired, or assumed, or even claimed the sovereignty, those rights, although ignored and disregarded, are actually intact to this day. But as a matter of fact the title is in abeyance, and, after so long an interval, the abeyance can be terminated with a good grace, with honour, and beneficial effect, by no sanction less solemn, by no less august authority, than that of the Queen herself.

Let us be Radicals, or Republicans if we will, in Europe or in America, but in India every sane politician, English or native, must be a Conservative and a Royalist. Confidence and security cannot be felt, peace and prosperity cannot long continue, in the present stage of Indian civilization, under any other rule than that of a Monarch, and of a Monarch whose personal influence is felt, and whose power is known to be a reality. It matters not much what the natives say of the Company, or of Lord Dalhousie, or of Lord Harris, but the Queen's name must not be despised, the stigma of bad faith must not be cast upon our Royal Mistress by a positive refusal of justice given in her name to a Prince who claims the fulfilment of treaty engagements, and of promises made to his ancestor and to his father by her Majesty's royal

grandfather The title of Nawab of the Carnatic is in abeyance, but the abeyance may be terminated, and I trust it will be terminated, when a Prince of our Royal House arrives from England, and having received the homage of Prince Azeem Jah on behalf of his Royal Mother restores him to the musnud of his ancestors in her name, and by her command.

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## LETTER V.

## THE RIGHT OF ADOPTION

Madras, June, 1861.

SOME political falsities, some gross social impostures, have proved themselves to be wonderfully tenacious of life Fallacies refuted in the metropolis and the mother country, survive in the counties and the colonies, abandoned in the colonies or in India, they are unsuspectingly cherished at home, driven from one stronghold they find a refuge in another, destroyed in their original shape they rise in some new form to push us from our stools It will not do to scotch the snake, it must be killed and buried The last drop of poison, and the stink of the dead carcase are both to be avoided

This is more especially the case with fallacies relating to Indian law and politics So unfamiliar, uninteresting and distasteful is the subject in general to English ears, so liable are we to prejudice and distort Indian cases by referring them to European precedents and analogies, that some of the most flagrant violations of the first principles of Hindoo and of international law, some of the most direct and audacious breaches

of the letter of solemn treaties, were perpetrated under Lord Dalhousie's administration without exciting a doubt or a misgiving in the minds of the Queen's Government, as represented by the Board of Control —though a few of the Directors took the alarm,— and but for the rebellion which threw a lurid light into many dark chambers, these Iniquities would have been firmly established, without the possibility of reversal or modification, as the axioms and first principles of British policy in India.

Of course I allude to the various pleas under which principalities have been annexed, titles extinguished, and landed estates resumed and confiscated, and especially to the pretended right of sanctioning or forbidding adoptions, which our Government has arrogated to itself and which it has exercised to the ruin and destruction of several Hindoo royal and noble families to whom we owed friendship and protection, and who owed us nothing.

These unjust and groundless innovations and encroachments on the rights of our faithful and submissive allies and tributaries these wanton spoliations of real and personal property were not allowed to take place at the time without in almost every instance an ample and sufficient protest and remonstration from the aggrieved families, from a minority of the Court of Directors and from the élite of the Indian Press. But all remonstrances in those days even though amounting to demonstrations of injustice fell upon ears that were deaf to all considerations but those of an immediate material display and semblance of gain and advantage. Lord Dalhousie's word was law and

gospel in India and in England ; and, in the insolent and immoral cant of the day, the rights of Princes, represented by certain misty old parchments called treaties, were allowed to weigh as nothing against the "real good" of their contented subjects, "whose best interests, we sincerely believe," says Lord Dalhousie, "will be promoted by the uniform application of our system of Government"<sup>1</sup> In those days the native Princes and nations never seem to have been credited with having any lawful policy or opinions or feelings of their own, no one seems to have supposed that they possessed any rights, even under treaties, except such as might from time to time be granted or acquiesced in, restricted or withdrawn, by the British Government , no one ever seems to have contemplated the possibility of a native Prince or chieftain being thrown entirely upon his own resources in a time of great danger and difficulty, and having to think and act for himself, without the support of British troops, without the counsel or control of a British Resident Still less was it contemplated that tremendous issues, perhaps the very existence of our Empire, should come to hang upon the decision of such a small potentate as the Rajah of Puttiala,—to whom we owe the fidelity of the Sikh troops and the quiet of the Punjab,—or of the Nagpore Ranees, and the young Prince their adopted son, to whom we are indebted for the preservation of the Nizam's country and the Mahratta Provinces from a general rebellion, and of the Madras army from the irresistible contagion and

<sup>1</sup> Minute on the Sattara succession, 30th August 1848, Sattara Papers, 1849, p 83

overpowering temptations that would have assailed the brigades of Madras sepoys at Nagpore and Hyderabād, if the signal of revolt had been given.

In those days the doctrine had become universally accepted at Calcutta that the native Princes were powerless for any good purpose, useless as allies, impotent as enemies, and yet capable of being very troublesome both in peace and war and that our only true policy was, in Lord Dalhousie's own words, that of getting rid of those petty intervening principalities, which may be made a means of annoyance, but which can never be a source of strength."<sup>1</sup>

The time of trial for this policy was not delayed for many years after the annexation of Sattara, Jhansi, Nagpore and Oude and the course of events during the storm of 1857-58 effectually contradicted and falsified all Lord Dalhousie's anticipations. The Rajahs of Jheend, Pattiāla and Nabha, and the Nawab of Rampore, are not powerful monarchs,—they are but petty dependent Princes,—yet during the perilous crisis of 1857 the value of their material aid in men and money was only exceeded by the moral effect of their firm and loyal adherence. And most certainly the consolidation of our territory by the iniquitous extinction of the small, well-governed and ever faithful State of Jhansi and the consequent conversion of its Brahmin Rānce into a murderer; and a rebel leader did not prove to be a source of strength. Nor were the remaining "petty intervening Principalities" found to be a means of annoyance."

The natural result of this complete refutation

<sup>1</sup> The same Minute

and practical reversal of all Lord Dalhousie's policy, has been a salutary reaction in favour of the native Princes. Cessions in full sovereignty, not only of confiscated estates but of British territory, which two years before would have been looked on as an impossible contingency, have been made to several native Princes as rewards for their inestimable aid. Two successive Secretaries of State, Lord Stanley and Sir Charles Wood, have evinced the most liberal intentions towards our native allies and tributaries, both of them insisted on the restoration of Dhar, contrary to the advice of the "experienced political officer," who had unfortunately been allowed by Lord Canning to lead him astray on this point, and both of them, in reviewing some of the worst political cases, took some imperfect steps towards restitution and compensation, the full effects of which are yet to be seen. And in every instance, even in that of the Mysore grant, which was bitterly opposed in India, and, being made on behalf of the descendants of a formidable enemy, was least calculated to excite sympathy, the Home Government has met with the heartiest support from English public opinion. But undoubtedly the strongest evidence of the reaction is recorded in Lord Canning's Despatches of the 26th of April and 10th of May, and in Sir Charles Wood's reply of the 26th of July, 1860, which have given to "every chief above the rank of Jaghire-dar, assurance that the paramount power desires to see his government perpetuated, and that, on failure of natural heirs, his adoption of a successor, according to the Hindoo law (if he be a Hindoo) and to the customs of his race, will be recognised."

A confession of offences, or an avowal of repentance, would be out of place in the public despatches of Government and I do not therefore complain that both Lord Canning and Sir Charles Wood talk as if they were performing a signal act of grace and generosity instead of simply falling back from an odiously aggressive and acquisitive attitude, to rest once more on the ancient laws of India, and on the stipulations and obligations of treaties. But I regret very much to see the subject treated from the same point of view in Parliament, and in some of the most influential journals and reviews, and to find the promised recognition of future adoptions in Hindoo princely families approved, more under a sense of the inexpediency of the opposite course than from a conviction of its injustice and dishonesty. Until that conviction has gained full possession of the public mind, the question will not be placed on a solid and permanent basis, and there will still be room left for some future Dalhousie, in some future time of our wealth, strength, security and pride, to revive pretensions which, it might be said, have never been abandoned except by way of grace and favour.

This is a striking and painful instance of that tenacity of life for which as I have pointed out political falsehoods are so remarkable. Although all the sophisms, interpretations, misquotations and misstatements of Captain Cowper Mr Hart, Mr R D Mangles and the other champions of the Imam Commission, by which they endeavoured to uphold the fictitious ruling sanction, the pretended power of Government to prevent landed property from passing to an adopted heir —

were unrelentingly exposed, mangled, and torn to rags in a long series of able and excellent articles in the *Bombay Times*,<sup>1</sup> although Mr J M. Ludlow and Mr. J B Norton have, in several of their publications, shown with the perspicacity and logical force of practised lawyers, the exaggerated absurdity of this imaginary prerogative when applied to Princes with whom our relations are defined and circumscribed by treaty, yet I find the doctrine, to the fullest extent of disinheriting and confiscating power, accepted as an ancient principle of Indian law by the *Times* in January last, even when approving of Lord Canning's policy, and in the last number of the *Quarterly Review*, when suggesting doubts of that policy.

The *Times*, reviewing in January (1861) Lord Canning's North West progress, approves of the Governor-General's "qualified and exceptional recognition of the right of adoption" in the families of Scindia, the Rajahs of Cashmere, Rewah, and others, as "a most judicious measure." The "privilege of adoption, in other words the right of nominating an heir in cases where actual issue failed," is said to be "dearly prized by Indian dignitaries," but that "for this the consent of the Supreme Government is necessary. Such consent in fact amounts to a fresh grant of the estate or dignity in question, and to a surrender of the reversionary interest belonging to the Sovereign." And in consequence of the bold assertions and bold doings from 1848 to 1857, I presume that this has become in England the popular and usually accepted view of adop-

<sup>1</sup> Since collected and republished as "the Inam Commission Unmasked," by Mr Robert Knight, a gentleman to whom India owes much for this and for many other good services.

tion. Yet it is totally untrue. No "reversionary interest" ever belonged to the Sovereign and the "privilege of adoption" so "dearly prized by Indian dignitaries," is simply the legal right of adoption which is necessarily enjoyed by every Hindoo. When the full effect and benefit of the Hindoo law of inheritance are allowed to all our Hindoo subjects, how could we ever pretend to refuse or restrict it in the case of Hindoo Princes, who are our friends and allies, but who are *not* our subjects?

The following extract is taken from the *Quarterly Review* of April —

"We have heard of a new policy towards native Princes, inaugurated by Lord Canning, which is to generate or to revive loyalty and attachment to us in their breasts. Until we know more fully and distinctly in what that policy consists, we cannot pronounce on it as a whole. Meanwhile, however as to one part of it we must express our surprise at the announcement that henceforth our Indian Government will not exercise the office,—hitherto always appertaining to the paramount power in India, when such a power whether Mogul or English has existed,—of recognising, or refusing to recognise, the adopted son of a native Prince as heir to his dominions. Such a prerogative no doubt is susceptible of abuse but the moderate, honest and beneficent exercise of it is also possible."<sup>1</sup>

No such prerogative ever appertained to the paramount power in India, whether Mogul, Mahratta or English. This supposed imperial prerogative of disapproving and forbidding adoptions in the families of

<sup>1</sup> *Quarterly Review* No. 21<sup>st</sup> April 1801 p. 606 607

Hindoo dependent Princes, is historically false and contrary to the law of nations and the political precedents of India. Neither the doctrine nor the practice can be detected in the recorded acts or in the diplomatic documents of the most powerful and widely extended monarchies that existed in India before ours. Neither the Kings of Delhi nor the Peishwas ever exercised or claimed the right of forbidding adoptions in the families of dependent chieftains,—not even when the chieftain's rank was merely that of a Zamindar or military jaghiredar,—when once the tenure had been established or acknowledged as hereditary. Undoubtedly a nuzzurana, or personal attendance, or some other mark of fealty and homage, was exacted at each succession from inferior and subject chieftains, undoubtedly the ultimate decision in cases of a disputed inheritance, rested with the supreme power, but however pompous and extravagant the despotic pretensions of the confirming authority may have been, the inviolability of the Hindoo law and custom of inheritance was always scrupulously adhered to both by the Mussulman and the Brahmin Sovereign. And yet those Sovereigns, even in the decline of their power, never made treaties with the Nawabs or the Rajahs from whom they claimed allegiance. The King of Delhi granted firmans or sunnuds, the Peishwa received written applications for concessions, and returned them with his answers, favourable or unfavourable, attached. On the other hand, however imposing and overwhelming our power may have become, it is undeniable that the British Government has at no period claimed or assumed either the imperial status of the

King of Delhi or the federal supremacy of the Peishwa. On the contrary it has made treaties on equal terms with several of their former dependents, and from the language of those treaties alone can the reciprocal relations of the parties be determined.

There is another erroneous view of this subject that has been too frequently set forth both in official documents, and in popular sources of information. The *Saturday Review* for example, (February 26th, 1839) speaks of adoption as if it were only "practised by an extinct dynasty or family to prolong or renovate itself." This is a complete mistake. Even when the agnates of the dynasty constitute a very tribe in numbers,—when numerous collateral relations of the head of the family are in existence—an adoption frequently becomes necessary. An adoption ought to take place whenever there is no lineal male descendant. Far from being an unusual privilege, or an extension of the rules of inheritance commonly prevailing among nations (under which the most distant collaterals in the male or female line can succeed) the law of adoption operates very frequently as a restriction of the rights of consanguinity. What the Hindoo about to adopt requires is not an heir to his crown or property but a son to perform certain religious duties on his behalf and although he is generally restricted in his choice, both by natural affection and established custom, to his own kindred, the person whom we should consider next in succession is often legally and ceremonially ineligible for the filial position,<sup>1</sup> and is there-

<sup>1</sup> A boy who has been married cannot be adopted; a person in an equal or higher degree of descent from the common ancestor has

foe excluded in favour of his own son or nephew, and sometimes of a very remote kinsman, or of a perfect stranger.

The right, or rather duty, of adoption is no peculiar privilege, it is the specific and inherent principle of the Hindoo law of inheritance; and there is no religious obligation that is held more sacred among Hindoos. When a man has no reasonable hope of male issue, it is a sin in him not to adopt. Should he however die without having effected this great object, it is the duty of his widow, with the concurrence of the senior male relatives, to adopt a son for her deceased husband. The adopted son performs the funeral ceremonies and becomes the heir of the deceased, and henceforward loses all share and interest in the property of his natural parents. Unless there is a son or lineal descendant, there ought always to be an adoption, for even the nearest relation is not entitled to succeed merely by reason of his consanguinity, and in the event of there being no blood-relation eligible for adoption, a duly adopted son from another family is the heir, to the exclusion of all collaterals<sup>1</sup>.

ever young in years, cannot be adopted, an only son ought not to be resigned by his parents, though his adoption, when completed, would be valid, and there are other points of disqualification.

<sup>1</sup> The eminent jurist, Mr Henry Sumner Maine, now a Member of the Governor General's Council, has clearly defined the scope and effect of the adoptive right in the following passages of a work which has already become a European classic —

"Among the Hindoos, the right to inherit a dead man's property is exactly co extensive with the duty of performing his obsequies. If the rites are not properly performed or not performed by the proper person, no relation is considered as established between the deceased and anybody surviving him, the Law of Succession does not apply, and nobody can inherit the property. Every great event in the life of a Hindoo seems to be regarded as leading up to and bearing upon these solemnities. If he marries, it is to have chil-

The writer in the *Times* therefore, in the passage already quoted, though erroneously speaking of it as "a privilege" for which "the consent of the Supreme Government is necessary" has correctly defined the right of adoption as that of "nominating an heir in cases where *actual issue* has failed. Adoption is not, as commonly supposed, a remedy for lack of heirs, but is the selection of one from a number of possible heirs,—often from a long list of agnates and cognates,—to be not merely *an heir* but *a son* to his predecessor. In the vast majority of cases the son adopted would be the natural heir according to European law or a son of the natural heir—a nephew or a first cousin's son of the adoptive father. In every one of those cases of adoption in princely families which Lord Dalhousie refused to recognise, the rejected claimant was a blood relation of the adoptive father.

All the best authorities on Hindoo law and the known and recorded practice both of native Princes and chieftains, and of private individuals throughout

dynasties who may celebrate them after his death; if he has no children he lies under the strongest obligation to adopt them from another family with a view writes the Hindoo doctor to the funeral cake the water and the solemn sacrifice. *Ancient Law* pp. 191 192

"In Hindoo law there is no such thing as a true will. The place filled by wills is occupied by adoptions we can now see the relation of the testamentary power to the faculty of adoption and the reason why the exercise of either of them would call up a peculiar solicitude for the performance of the sacra. Both a will and an adoption threat n a distortion of the ordinary course of family descent, but they are obviously contrivances for preventing the descent being wholly interrupted when there is no succession of kindred to carry it on. Of the two expedients, adoption, the facilitious creation of blood relationship is the only one which has suggested itself to the greater part of archaic societies. The Hindoos have, indeed, advanced one point on what was doubtless the antique practice by allowing the wife to adopt when the father has neglected to do so. *Ibid.*, pp. 193 194.

India, concur in testifying that the nearest eligible relation ought in all cases to be the adopted heir. "The nearest male relation of the adopter is the proper object of adoption. This of course is the nephew, or son of a brother of the whole blood. Where there is none, the choice should still fall upon the next nearest male relation; with liberty, in default of such, to select from among distant ones, and among strangers, on failure of all kin" (Strange's Hindu Law, 1825, vol. 1, p 72) "A person being about to adopt a son, *should take an unremote kinsman*, having convened his kindred, and announced his intention to the King" (Vyavahāra Mayookha, translated by H. Borradaile, Sūrat, 1827, p 72) There is a right to be adopted as well as the right to adopt, and though the former is certainly not absolute, and the unjust adoption of too distant a relative or of a stranger in blood, if performed with due ceremonies, is irreversible, still the right to be adopted is very generally respected and observed, and among the families of Hindoo Sovereigns it has been almost invariably held sacred, both as a point of family honour, and as a matter of public policy

The following passage from the Code of Menu, is quoted in Mountstuart Elphinstone's History of India, vol 1, p 66 — "The natural heirs of a man are the sons of his body, and their sons, and the sons of his daughters, when appointed in default of heirs male to raise up issue to him, on the failure of issue of the above description, an adopted son succeeds, such a son loses all claim on the inheritance of his original father, and is entitled to a sixth of the property of his

adoption, even if subsequently to his adoption sons of the body should be born on the failure of sons come brother's sons, who are regarded as standing in the place of sons, and who *have a right to be adopted if they wish it*, to the exclusion of all other persons on failure of sons grandsons, adopted sons and nephews, come father and mother then brothers, grandfathers and grandmothers, and then other relations, such as are entitled to perform obsequies to common ancestors." Various schools in different parts of India interpret Hindoo law with some disagreement on these points but the tendency of all the schools has been to extend and not to contract the privilege of adoption. "Most of them says Mountstuart Elphinstone (*History of India*, vol i, p 160) admit a species of adoption unknown to Menu, which is made by a widow on behalf of her deceased husband in consequence of real or supposed instructions imparted by him during his life. Some schools give the power to the widow independent of all authorisation by the deceased."

One of the best authorities on this subject is the *Summary of Hindoo laws and customs in the Deccan*, printed by order of the Honourable Mountstuart Elphinstone in 1826 when he was Governor of Bom bay. Nothing can be more clear and decisive than the following statements, of which the first will be found in the Preface —

"1. A general conformity is observable amongst all the castes in the practice of adoption, *even by widows* in order to secure the continued performance of funeral oblations. (p 1.)

2. The widow may adopt one of the husband's re-

*lations, with their concurrence and that of the caste, who will be the heir" (p 177 )*

And it is laid down in an authority from which I have already quoted —“If there must be an order from the husband, it is for a married woman only, but, for a widow, even without it adoption may be made, with the permission of her father, or, on failure of him, of the relations The right of adoption, even without the order of her late husband, does pertain to a widow” (Vyavahāra Mayookha, pp 72, 73)

When the health of Dowlut Rao Scindia, Maharajah of Gwalior, was obviously failing in the year 1826, he was strongly urged by the Resident, under instructions from the Supreme Government, to adopt a son, so as to avoid the dangers of a disputed succession. The sole cause alleged by the Rajah for delay was, “that from all his relations being so distant and unknown to him, he was not exactly aware who was *the proper person for him to adopt*, and had therefore sent people to the Deccan to make the necessary inquiries”<sup>1</sup> The Resident’s opinion on the subject was given to Government in a despatch dated the 4th October 1826, in the following terms —“Although according to the regular canons of Hindoo law neither widow might have a valid title to adopt without being empowered by the husband, yet the result of my inquiries leads me strongly to believe that practically when the husband dies suddenly, or otherwise, without making any arrangements for an adoption, the right of the senior wife is universally acknowledged, but *she is considered*

<sup>1</sup> Blue Book, Succession by Adoption, 1850, p 9

bound to adopt the nearest male relative within seven degrees.<sup>1</sup>

On the 20th March 1827 the Resident reports that the Maharajah's health is much worse and that "he cannot survive many days, and he adds — In as far as I am able to judge from appearance no steps are likely to be taken before the Maharajah's death towards the adoption of a son. Indeed, as the persons who are supposed to have the best claim to adoption are still in the Deccan, though their pictures have been sent here, I doubt if it will now be possible for his Highness to perform that ceremony unless he were, on the emergency of the occasion to adopt some very distant relation here which is, however not at all probable.<sup>2</sup> Dowlat Rao Scindia expired the very day after this despatch, and without having adopted a son. His widow the Baiza Bee,—who would have preferred postponing the ceremony and thus keeping all the authority in her own hands for an indefinite period and who required a little persuasion and pressure by the British Resident and some of the ministers of state before she would acquiesce,—formally adopted on the 18th June 1827 the nearest eligible relation<sup>3</sup> of the deceased Rajah, a boy named Moogut Rao who was placed on the musnud under the name of Jankojee Rao Scindia.

In 1843 Jankojee Rao Scindia died without male issue and without having effected an adoption. With the full subsequent approval of the Governor-General

<sup>1</sup> Succession by Adoption p. 17

<sup>2</sup> Ditto, p. 10

Ditto pp. 23 &c.

the same course was pursued as on a former occasion , the senior widow, Tara Baee, adopted Bhageerut Rao, "*the nearest in blood*" to the deceased Rajah, who was immediately installed and proclaimed as Jyajee Rao Scindia<sup>1</sup> This is the present reigning Prince, who proved himself so loyal and devoted an ally in the critical days of 1857 and 1858

In reply to inquiries made by Government regarding the heir apparent to the musnud of Indore, adopted by Hurree Rao Holkar during his illness in 1841, Sir Claude Wade, the Resident, in a letter of the 2nd March, 1843, writes —“Khunde Rao was selected in the following manner the Maharajah himself not being acquainted with the hereditary descent of his family, summoned from Mahesur an old woman, Gopika Baee, the widow of one of the Holkar tribe, and famed among its members for her knowledge of its genealogy , she stated that Bapoojee and Suntojee, the sons of Ithoba, residing near Indore, were *the nearest in connexion to him* One of the Maharajah’s attendants was accordingly sent to bring them and their sons, of which the former had two and the latter one, before his Highness On their arrival his choice fell on Khunde Rao, as well from his being in appearance the most intelligent, as on account of his name, that of the husband of Ahalya Baee, and of the Deity whom the Mahrattas chiefly worship ”<sup>2</sup>

The same rule and custom have always prevailed in the Rajpoot principalities, the most ancient sovereign houses of India. Col. Sutherland, Governor-General’s

<sup>1</sup> Succession by Adoption, pp 39, 40

<sup>2</sup> Ditto, p 76

Agent in Central India, in a letter dated 25th August, 1841 gives the following opinion with reference to a disputed succession in the petty state of Kishengurh — There may be some difference of opinion on the subject of the right of a widow to adopt a son, where she was not enjoined or permitted to do so by her husband where she had his authority her right to do so would not, I think, be questioned anywhere in Raj pootana and even where she had not his authority her right would, I think, in most cases be recognised the adoption being of course made from the nearest of kin to her deceased husband although even in this respect great latitude is allowed.<sup>1</sup>

Sir Richard Jenkins, in his Nagpore Report of 1827 (p. 146) declares the rule that had been observed in seating the Rajah, then a minor on the throne, and that should be observed in choosing his successor from the female line, in case he should die without leaving a son. That rule was "to choose the nearest male descendant of the last Rajah who had any". According to that rule the late Rajah's grand nephew the great-grandson of Rugbojee the Second's daughter and that Rajah's nearest male descendant," was chosen and adopted as a son on the death of his grand-uncle, the late Rugbojee the 3rd of Nagpore. Lord Dalhousie without inquiry or notice, declared the Bhonsla family to be extinct, and the Nagpore State to have "lapsed" for want of an heir.

The real object and significance of the Monarch's sanction to adoptions in the families of his vassals,— besides that of enforcing homage and asserting supre-

<sup>1</sup> Succession by Adoption, p. 118.

macy,—was to prevent the “great latitude” of choice permitted by the letter of Hindoo law from operating to the prejudice and exclusion of blood-relations. The only passage in Colebrooke’s great work on Hindoo law in which the “ruling sanction” is referred to, is the following extract from the ancient commentary of Vasishtha —“He who means to adopt a son, must assemble his kinsmen, give *humble notice to the King*, and then having made an oblation to fire with words from the Veda, in the midst of his dwelling house, he may receive, as his son by adoption, *a boy nearly allied to him, or, on failure of such, even one remotely allied.*”<sup>1</sup> In the important case of Bhasker Buchajee *v* Naroo Rugonath, Select Reports, 24, (approved in Perry’s Oriental Cases, 151,) it was decided “that want of the permission of the ruling authorities, is an insufficient ground for setting aside an adoption once made with the proper ceremonies”

Another great authority, Sir Thomas Strange, in his Elements of Hindu Law (Vol. II. p. 64), after detailing the various forms and ceremonies required to constitute a valid adoption, appends the following remark —“Most of these rules are general they are not all imperative *The notice to the King may be dispensed with*”

Now let us examine the first case in which the British Government transformed the “ruling sanction” into the power of ignoring adoptions. We had made a treaty with Rughojee Angria, Rajah of Colaba, in 1822,<sup>2</sup> by which “the entire supremacy,” and the

<sup>1</sup> Colebrooke’s Digest of Hindoo Law, vol. III, p. 242

<sup>2</sup> Volume of Treaties, 1853, p. 340

right of investiture, were expressly reserved to the British Government. In 1841 standing on this right of investiture, Lord Auckland refused to permit an adopted son to succeed. But this right of investiture was not a right of arbitrary resumption, or of escheat on failure of lineal heirs. No Hindoo or Mahomedan monarch ever asserted such a right over his feudatories. If the Mogul or the Peishwa ever annexed a dependent principality or resumed a Zemindaree, it was done by an act of violence, seldom if ever at the period of a succession, and always—justly or unjustly—as the ostensible punishment for some rebellion, treason or defalcation of feudal duty. The right of investiture imposed the duties of homage, fealty and service on the feudatory and entitled him to protection, but it gave the Suzerain no right to *disinvest* the obedient and dutiful dependent. The right of investiture is not a right of refusing investiture. The Indian Suzerain always claimed his *nursurana* and imposed some additional penalty when his authority had been slighted by an un-sanctioned adoption but he could no more obtain the right of resumption by declining the proffered homage and refusing investiture, when the lawful heir presented himself, than an English Lord of the Manor could obtain possession of a copyhold, by rejecting a pepper-corn rent, or than the Queen could resume Strathfieldsay from the Duke of Wellington by declining to receive the Union flag, the annual presentation of which is the service tenure by which the estate is held.

There were no restrictions on the operation of the Hindoo law of inheritance contained in our treaty of

1822 with the Rajah of Colaba ; there was more than one precedent for a succession by adoption in this principality , and all claim to *nuzzwana* and tribute having been waived and renounced by Article 4 of the treaty, the "supremacy and right of investiture," reserved by that same Article, simply entitled the British Government, as Successor, to exercise supervision and control over each succession, whether by natural descent or by adoption, until satisfied that everything had been done conformably with law, with local custom, and with an equitable regard to the general interests of the family, and to the individual rights of each of its members This and this alone is the meaning and scope of the "ruling sanction "

The act of adoption is irreversible, and the Sovereign had no more power to refuse succession to an adopted son than to a son of the body In cases of *sunwjam* property, or service Jaghires, held, according to the written terms of the grant or according to immemorial custom, at the Prince's pleasure, he could and frequently did decline to place any heir in possession, simply because the service was no longer required, or because he wished to confer the estate on somebody else. This resumption could be, and sometimes was effected during the lifetime of a Jaghiredar, but more often, as might be expected, after his demise And undoubtedly an irregular or unauthorised adoption did from time to time afford a just occasion, or a convenient pretext, for resuming a *sunwjam* or service jaghira<sup>1</sup>

<sup>1</sup> The infancy of the heir to a jaghira held on a military service tenure was sometimes also made the ground for resuming the estate But it must be observed, with general reference to the entire question, that a resumption by a native Prince by no means

But in the case of *Sawasthdns* or ancient Zemindaries, and of *Inam* estates—which were considered as private property descending to heirs general, mortgageable, and even saleable, with the consent of the co-heirs,<sup>1</sup>—there is not a single instance on record, there is not even a tradition or rumour extant, to show that any Hindoo or Mabomedan Sovereign ever claimed the right of preventing an adopted son from succeeding. The sanction by the ruling power was never withheld and never could be where the adoption was unexceptionable.

The only corrective infliction, the utmost extent of interference in the succession to a hereditary estate, upon which a native monarch ever ventured, when an unauthorised or inequitable adoption had taken place, was the exaction of an enhanced or unprecedented *nuscurana* or fine before he would grant investiture to the claimant. Many such instances of deferred investiture and of the levy of a fine have been found in the records of the Peishwas government at Poonah but during all the researches of the Bombay *Inam* Commission not a single case was discovered in which an adopted heir had been excluded by royal prerogative from succeeding to his adoptive father. It would be still more vain to search for a precedent

involved the ruin and degradation of a family, as it does under our Government. The heir is always treated with consideration and provided for by a stipend or sinecure office and if on attaining manhood he displayed ability or otherwise obtained the lines of honour he was probably placed in as good a position as his father had occupied. This has been impossible under our system.

<sup>1</sup> The concurrence of sons in the alienation by the father of land, as required by the *Mitacshara*, is dispensed with where they happen to be all minors at the time. Strange's Hindu Law vol. 1, p. 10.

for the exercise of such a power by any native potentate over his feudatory chieftains, or over dependent allies of princely rank.

No such precedent exists in the annals of India. No such prerogative, no such power, no such pretence was ever set forth or heard of in India, until the British Government,—beginning in 1841 with Colaba, which was undoubtedly a petty feudatory State over which it had the right of investiture, advancing still further in 1848 with Sattara, which, though certainly subordinate and dependent, was held under a treaty confirming the sovereignty, without any words of limitation, to the Rajah's "heirs and successors,"—rose at last to the climax of assumption in 1854, when Lord Dalhousie denied the right of succession by an adopted son in the Nagpore State, with which we had a treaty of "perpetual friendship and alliance," and which had been officially declared in 1826 to be "one of the substantive powers of India." The first lapse from a conservative and protective policy in the case of the petty feudatory State of Colaba, led to the subsequent application of the rule to the more important principalities of Sattara, Nagpore and Jhansi, after which no Hindoo sovereignty could be considered as secure from a sudden extinction<sup>1</sup>

<sup>1</sup> "The principality of Colaba has been held by the family of Angria for nearly two centuries in a state of independence. It has never been in our possession. Our connection with it rests upon the foundations of a formal treaty, freely contracted, and while a vestige of the Angria family remains, it belongs of right to them, and cannot be seized and appropriated by us otherwise than by an act of violence, perpetrated by our superior power. It is assumed that the principality has lapsed to the paramount state, by reason of the failure of heirs. But the ground I rest upon is, that the widow of Rughojee Angria possessed, under the authority of that

But our first encroachment was not merely a lapse from conservative policy it was a positive denial of justice and an abuse of our material strength. Far from being a proper and opportune assertion of Imperial rank, duties, and functions by our Government, as several persons have argued, it was an absolute abdication of that federal rank, and a repudiation of those duties and functions of protection and control, which alone can entitle the *de facto* paramount power to be recognised and obeyed as the Imperial sovereignty of India. By this new policy our Government assumed the offensive and defiant position of an all absorbing acquisitive Kingdom, denied its origin and history contradicted all its precedents and cast all treaties to the wind.

No prerogative of resumption, no right of escheat can be silently conveyed or implied in a treaty when the terms neither of that treaty nor of the antecedent negotiations show any trace of such a claim or of such a concession. Nor could any such prerogative

Prince which is not disputed, the right to adopt and still possesses that right unimpaired. Adoption, with a Hindoo is both a right and a duty.

I never can satisfy myself that true policy can comport with injustice and oppression. The native princes and chiefs of India will see in the sale of Colaba their own destiny; their fidelity and attachment cannot be relied upon while they have such cause for distrust and alarm and although they may be overawed and kept down by our irresistible military power the occasion may arise when their hostility might become dangerous. The feelings of our Indian subjects are not to be trifled with; and it is not wise or safe to depart from that conciliatory conduct or to efface from their minds those impressions of our justice, wisdom, and good faith which have hitherto constituted our bond of union with the people and the true basis of our power in India. (Selections from the Journals of Henry St. George Tucker, pp. 27 and 100.) This most convincing protest the whole of which is worth reading had no effect on the Court of Directors.

and right be suddenly acquired or gradually amassed by the enormous increase of our power, without an explicit assertion on the one part, and an explicit admission on the other.

Our Government has on many occasions introduced limitations and explanations into those clauses of treaties which guaranteed hereditary descent. In a treaty with the Rao of Cutch in 1819, the succession was limited to the Rajah and "*his legitimate offspring*" We made a treaty with the Raj Rana of Jhullawur in 1838, by which the sovereignty was secured to the reigning Prince, "*his heirs and his successors being his descendants*"<sup>1</sup> We made a treaty with Goolab Sing of Cashmere in 1846, limiting the succession to "*the heirs male of his body*"<sup>2</sup> We tried to make a treaty with the King of Oude in 1856, by which the succession was to be confined to "*the heirs male of his body born in lawful wedlock*"<sup>3</sup>

<sup>1</sup> Volume of Treaties, 1851, p 447

<sup>2</sup> Volume of Treaties, 1850, p 57 This limitation was removed by Lord Canning in 1850 as a reward for the services rendered by the Rajah of Cashmere during the rebellion. This was a special act of favour quite unconnected with the general tonor of the Adoption despatches of 1800

<sup>3</sup> This was a most insidious limitation, quite novel and unknown to Mahomedans, and especially offensive to a Mahomedan Sovereign. The Sultan and the Shah never marry. Two successive predecessors of the present Nizam, Salabut Jung and Nizam Ali Khan, were both sons of concubines. So long as there is paternal recognition, there is really no illegitimacy under Mahomedan law, although precedence and a preferential birth-right are given by custom to the sons of a married wife over those of a concubine or slave, and in India, especially in the South, to the sons of a *Shadée* wife over those of a *Nikah* wife. The *Shadée* merely consists in certain Hindoo ceremonies added to the indispensable forms of the *Nikah*, which is the only marriage known to Mahomedan law or recognised in our Courts. In the case of *Mahomed Bauer Hoosain v Shufoon Nissa*, on appeal from the Supreme Court of Madras, Lord Justice Knight Bruce, in delivering the judgment,

These are express and intelligible restrictions but whenever we have guaranteed a principality to a Hindoo Prince, his heirs and successors, without any qualifications or restrictions, it is quite clear that no limited right of succession, no rule except that of the Hindoo law in all its integrity can have been contemplated by either party to the treaty.

It would have been well, indeed, if the rulers of this great Empire had always cautiously abstained from performing those sweeping "acts of State" by which Lord Dalhousie's administration was so discreditably distinguished, until they had sounded all the depths and shoals of the ground upon which they were proceeding, and had ascertained that it really would bear the enormous superstructure they wished to build upon it. It would have been well if they had consented simply to bear what the representatives of princely families, threatened with extinction had to say as to the fact of their continued existence when the whole question turned upon the admission or denial of that fact. If Lord Dalhousie and his flexible advisers in 1848 had only listened to the not very unreasonable advice of Mr Frere,<sup>1</sup> who was then Resident at Satara,—not to come to a final decision as to the right of the last Rajah's adopted son to succeed to the throne until he as well as the other claimants had

<sup>1</sup> At the Judicial Committee of the Privy Council (3rd and 4th February 1861) pronounced it a well known and long admitted position, that, "according to the Mahometan law the legitimacy or illegitimacy of a child of Mahometan parents may properly be presumed or inferred from circumstantial evidence without any direct proof either from a marriage between the parents, or of any formal act of legitimisation." *Minor India Appeals, vol. li.*

<sup>1</sup> *1848, 2nd March, Frere to R.C.H., Governor of Bombay; re Satara*  
*1849 p 140*

been "allowed an opportunity of stating the precise grounds on which they claimed to be heirs,"—the iniquitous annexation of Sattara could never have taken place, no fresh brand-new precedent—in default of an old one—for the confiscation of Jhansi and Berar would have been fabricated, and the conspiracies of Poona, Sattara, Kolapore, and Nagpore, and the agitation of the Southern Mahratta country in 1857, would never have placed our Empire on the very verge of destruction.

The position of the British Government as the *de facto* paramount power, and the stipulations of treaties restricting the external action of the native States, undoubtedly impose upon it Imperial duties and responsibilities. And I am very far from deprecating the public avowal of these Imperial duties. On the contrary it appears to me that much difficulty and misunderstanding have arisen from our imperfectly defined and asserted supremacy. The disappearance of the Company, and the assumption of direct rule by the Queen, have rendered an open and distinct declaration of Imperial power still more advisable and more feasible than before, and I trust that the first suitable opportunity will be taken to make such a declaration to all India. But whether the Queen's supremacy remains as at present tacitly assumed, or is formally avowed and acknowledged, it must be exercised to control, to protect and to instruct, but not to confiscate, to disinherit, or to destroy.

## LETTER VI

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SATTARA  
—

Madras, April 1863.

A HIGHLY laudatory article in the *Edinburgh Review* for January on Lord Dalhousie's administration of India, compels me to recur to that unpleasant subject, the right of an adopted son to succeed to a Hindoo principality. Associated, as this question is, with many painful and humiliating convictions of political ingratitude and iniquity recorded against our Government, and, still worse, with too many instances of the spoliation of private property the subject is indeed unwelcome and repulsive. But until its true bearings are clearly understood and accepted by the English press and public, I shall never allow an erroneous statement of facts, or of doctrine, to pass unchallenged and unrefuted. It is not my fault if I am compelled to a certain extent to combine, in one inquiry the consideration of two perfectly distinct questions,—the succession to sovereignties and the succession to private estates. These questions ought undoubtedly to have been always kept separate. But Lord Dalhousie, his Indian advisers, and his English supporters, having

first stretched the Sovereign's prerogative of receiving homage and granting investiture, in the case of feudatory chiefs, jagheerdars, and holders of Imam estates, far beyond its true limits, then proceeded to apply this preposterously exaggerated prerogative to the case of Sovereign Princes, with whom our relations were strictly defined by treaty. And thus a very simple question has become confused with false analogies, and overlaid with false illustrations.

The *Times of India*<sup>1</sup> may claim, in common with one or two of its Indian contemporaries, the credit of having largely contributed to establish that altered tone of thought and political principle throughout the press and the official correspondence of India, which in the fulness of time found its positive expression in Lord Canning's Adoption despatch. I do not at present apprehend much difference of opinion to exist in the Indian press, either on the general question of annexation, or on this particular topic of succession by adoption. Even the *Friend of India* feels that the atmosphere has changed, that its old standing dish of spoliation will not go down now either raw or plain, but requires a highly spiced sauce, in the shape of a "Mecca pastoral," or a bouncing *canard* from Hyderabad, to make it palatable and presentable, even to the *Friend's* own circle at Calcutta. There is perhaps not a newspaper published in India, that would at this time venture to reproduce the "ruling sanction" in that hideous shape of "ruling disfranchisement," which it was uniformly made to assume during Lord Dalhousie's eventful reign.

<sup>1</sup> In which this Letter appeared

But I can feel no confidence in the permanence of the present impression. I am afraid that it is founded much more on apathy than on sympathy and that a decided change in the political wind, either in London or Calcutta, would go very far to dissipate it. The Adoption despatches of Lord Canning and Sir Charles Wood, followed by special letters from the Viceroy to nearly every Prince and Chieftain of India were indeed received with acquiescence even among the old advocates of annexation. They have not hitherto been directly assailed, partly from a feeling very prevalent towards the close of the rebellion, that the native Princes had not on the whole, been fairly appreciated or well treated, that they had behaved well in our difficulties, and deserved some boon at our hands and partly but I believe to a very small extent, from altered views, and from a suspicion that the prerogative claimed by us was really not sustainable in argument or deducible from recorded facts. The Adoption despatch itself tacitly acknowledged, that the imaginary precedents for ignoring adoptions could not be found did not in fact exist. Every one was willing to drop the dispute for the time no one was inclined to pursue it to a conclusion.

The article in the *Edinburgh Review* goes much farther than anything I have seen since 1857, and its conclusions are eminently calculated to rejoice the heart and revive the hopes of the *Friend*. And yet the reviewer is evidently but scantly acquainted with the controverted portion of his theme. He does not once allude to any one of the writers who have attacked and exposed Lord Dalhousie's acquisitive pro-

ceedings ; he seems never to have travelled out of the Blue Books, and generally puts forward his apologetic pleas and explanations in the language of Lord Dalhousie's own Minutes, every word of which is quietly assumed to be both logical and veracious. Thus the annexation of Nagpore is described, in his Lordship's own words, as "a simple lapse for want of an heir either natural or adopted" The name of Rajah Janojee Bhonsla, and the news of his partial recognition by Lord Canning, have apparently not yet penetrated to the latitude of Paternoster Row Lord Canning's Adoption despatch is not mentioned. The absolute right of the "paramount power" in India, to prevent a succession by adoption, is taken for granted The exercise of that supposed right in the cases of Sattara and Jhansi is upheld as wise, prudent, and beneficent The existence of a deliberate and systematic policy of annexation during Lord Dalhousie's administration is denied , but such a policy is indirectly commended, and by no means deprecated for the future The article is neither powerfully nor pleasingly written , there is little attempt at research or argument , no new information is given , but from its unimpassioned, apparently candid, and moderate tone, and from the high character of the *Edinburgh Review*, it might do serious mischief, if allowed to circulate for any time without a contradiction. I shall therefore offer a few remarks on the general question, and on the particular case of Sattara, which the reviewer, though still confining himself to the Blue Book, notices at some length

A variety of circumstances combine to render the

annexation of Sattara an extremely interesting and important case—the case of all others most suitable for the purposes of example and illustration, and the least open to exception by opponents. In the first place, it is a case that can be discussed without bitterness of feeling, or personal accusation against Lord Dalhousie, for I at once admit that he was less to blame in this particular instance than in any of the subsequent annexations. It did not fall to him to take the initiative when the question came before him, it was already prejudged by men of long official experience and high position, whose knowledge of Indian politics and history was naturally presumed to be most accurate and profound. Their confident allegations fell in exactly with the young Governor General's ambitious predilections and taking their conclusions as to the Hindoo Prince's rights and the British prerogative, to be incontrovertible, he contented himself with arguing for the general expediency of absorbing the minor states whenever a fair opportunity presented itself. Mr J P Willoughby then a member of Council at Bombay now one of Sir Charles Wood's advisers in the Indian Council, was the real parent of Annexation. Lord Dalhousie was only its nursing father. Beneath his fostering care the Monster grew to such giant proportions, and wrought such fearful havoc that the world has quite lost sight of the true original Frankenstein, who probably is now by no means anxious to claim the credit of his handiwork. I shall endeavour to do him justice.

The annexation of Sattara was a critical measure, it marks an epoch in our Indian policy. Colaba having

been undeniably a petty feudatory State, over which our Government had expressly retained the right of investiture, the case of Sattara was the first in which we claimed to limit and restrain the Hindoo law of inheritance, when an adoption had been made by a Sovereign who had always been treated by us with great form and ceremonial as a royal personage, and with whom, "his heirs and successors," we had concluded a treaty of "perpetual friendship and alliance" Without this precedent, the annexation of Nagpore could never have taken place

I would say of the Rajah of Sattara, as I have just said of the Nawab of the Carnatic, that, if no such potentate had existed, we ought to have invented him. But those bulwarks of political stability and social order, a popular line of Princes, and a territorial nobility, cannot always be invented, or made at a moment's notice, or even revived, although they may have been very easily destroyed. We may yet feel the want of them in many parts of India where they formerly did us good service

If the Rajah of Sattara had cost the Imperial Government the full amount of his personal expenditure, the money would have been well laid out. But he, in fact, cost us nothing. The small force usually stationed at Sattara could safely have been withdrawn at any time, if required elsewhere, while the Rajah would still have been responsible for the peace of his country. The province of Sattara, since the annexation, has never paid its own expenses. The Rajah was also bound by treaty to furnish a small but useful body of Irregular Cavalry, on our requisition

tion, in time of war. But the value of any material aid in men or money that the Rajah of Sattara, or any other native Sovereign could afford us in time of war or rebellion, would have been as nothing when compared with the moral support of his faithful adherence. It was the example and demeanour of the Rajah of Patiala the leading Sikh chief, that deterred the other Princes on the Punjab frontier and the Sikh troops and people, from joining in the revolt at the most dangerous crisis, and kept them steady in their allegiance and duty. Had the signal been given by an influential chieftain, not all Sir John Lawrence's exertions nor even the 12,000 British soldiers he had in the Punjab at the outbreak of the mutinies, could have prevented that tremendous accession to the ranks of the rebellion.

The Rajah of Sattara, though endowed with only a small territory (which might have been extended with great advantage to us,) and though not of such pure and ancient lineage as the Rajpoot Princes, was yet regarded throughout India not only as the most illustrious of the Mahratta Rajahs, but as pre-eminently the Hindoo of the Hindoos, the representative of that mighty warrior Sivajee who avenged seven hundred years of national degradation, humbled the Mogul Emperor, restored the splendour and publicity of Hindoo worship, and founded a great Hindoo confederation on the ruins of Mahomedan supremacy. The good will and manifest subordination of this peculiarly popular Sovereign, secured to us by the wise policy of Mountstuart Elphinstone and Lord Hastings, ought to have been considered as forming a natural

and essential element in the Imperial system, and would have been of inestimable value during the dangers and difficulties of 1857. The re-establishment of the dignity of the Peishwas,—the faithless officials who had for several generations usurped their master's authority, and from whose custody the last Rajah had been rescued by a British army,—would have been even more threatening to the Rajah of Sattara than to the British Government, and such a proclamation as would necessarily have been issued by a reigning Rajah of Sattara under our guidance, would have made a pretender like the Nana powerless and ridiculous, and would have retained the adherents of Scindia, Holkar, and the other ancient Mahratta feudatories, in a state of obedience to their rulers, and of cheerful reliance on the wisdom and power of the Company Bahadoor.

But as a direct consequence of Lord Dalhousie's contempt for such remote considerations, and of the flagrant repudiation of all our pledges of protection and fair dealing, evinced by the annexations of the friendly and well-governed states of Sattara, Jhansi and Nagpore, the minor chieftains and military classes of Gwalior and Indore, Kolapore, and the Southern Mahratta country, were thoroughly roused, alarmed, and exasperated, and believing from the moral deterioration of our rule,—for such was the prevailing superstition,—that it was drawing to its destined close, they were prepared for some great change, welcomed the bloody scenes of 1857, and prepared to take part in our destruction. The Sovereigns themselves, and their immediate families and ministers, having larger views,

greater interests at stake, and better means of information, attempted with but partial success to stem the tide but the universal feeling was against us.

Rajah Appah Sahib the younger of the two brothers whom we released from the Peishwa's power after the battle of Ashtee, died on the 5th April, 1848 aged 46 having on his death-bed adopted as his son and successor a youth of the Bhonsla family lineally descended from the great Sivajee's uncle. Of the regularity and propriety of the adoption according to Hindoo law and Mahratta custom, there never was any question.

The majority of the Bombay Council, and of the Supreme Government, rejected this successor on the ground that no one but a lineal descendant of one of the two last reigning Rajahs, with whom we had concluded treaties, had any right to succeed without our express permission.

The *Edinburgh Reviewer* hardly does justice to the personal weight and ability of the official opponents by whom the new doctrines of annexation were resisted in India and in the Court of Directors, when he summarises the course of the discussion in the following perfunctory style—"Sir George Clerk, who was then Governor of Bombay alone of all the authorities in India was in favour of allowing the succession of the child. He admitted that the adoption required our sanction. He admitted that no uniform rule of practice required us to give it. But he held that the treaty securing the principality to heirs and successors included heirs by adoption as well as heirs by birth" (p 18) "In these views the Governor of

Bombay could not carry his Council with him. On the main point his arguments were conclusively answered in an able paper by Mr Willoughby. The new Governor who succeeded when the question was still pending—Lord Falkland—adopted, after full consideration, the opinion of the Council, and the Governor-General, in a Minute marked by all his vigour and ability, gave his voice against the continuance of the principality, both on the ground of right and on the ground of policy. The Court of Directors, by a large majority representing the weight of opinion not less than the weight of numbers, adopted the view of the Governor-General.”

I cannot agree with the reviewer’s estimate of the majority in the Court of Directors. The names of Messrs Henry St George Tucker, John Shepherd, William Leslie Melville, Major Oliphant and General Caulfield, all of whom recorded written dissents against the annexation, appear to me to outweigh in authority and distinction the name of Mr Ross Donnelly Mangles—the only Director who gave his reasons in writing,—as clearly and as brilliantly as their arguments outshine his sophisms and dispel his forced illustrations. But the entire effect of the article is produced by a series of these rhetorical assumptions. The general tenor and effect of Sir George Clerk’s Minute is by no means adequately or accurately conveyed in the reviewer’s summary. Sir George Clerk did indeed admit “that the adoption required our sanction,”—“by custom,”—but the reviewer omits to mention that he immediately asks the question, “Can we, without injustice, exercise that right of sanction to the extent of

prohibiting adoption<sup>1</sup>? This question, after an able argument, he answers in the negative, on grounds both of justice and expediency

The fact is, that the reviewer following the Minutes of Lord Dalhousie and his advisers, succumbs to that enormous fallacy which is perhaps most concisely stated in the words of Mr Lestock Reid, who was then a member of the Bombay Council,— A right to grant implies a right to withhold such sanction.<sup>2</sup> The whole transaction was made to depend on this fallacious dogma, strengthened by our own false precedent of Colaba. The reviewer does not quote the following very explicit statement from Sir George Clerk's Minute — To judge from the expression of perpetual friendship to a man, his heirs and successors, these ordinarily would seem to mean a sovereignty which should not lapse for want of heirs, so long as there is any one who can succeed according to the usages of the people to whom the treaty refers. The lad now adopted by the Rajah is such a successor<sup>3</sup>. Having thus lightly skipped over Sir George Clerk's weighty opposition the reviewer relieves himself from dealing directly with his arguments by observing that they "were conclusively answered in an able paper by Mr Willoughby

Lord Falkland the next "authority referred to by the reviewer succeeded Sir George Clerk as Governor a few days after the latter had recorded his views on the subject and we know from the revelations arising

<sup>1</sup> Annexation of Sattara, 1819 p 12

<sup>2</sup> I do 1 12 p 63

<sup>3</sup> I do p 63; 17 of the Minutes.

from the Baroda Khutput scandals that his Lordship's Minutes were usually written by the Chief Secretary, or one of his assistants<sup>1</sup> I cannot, therefore, consider Lord Falkland's paper as a distinct and independent expression of opinion It emanated from the Secretariat, of which Mr Willoughby had so long been the presiding genius, and over which he still exercised a complete influence and control, and it is obviously and almost avowedly a mere paraphrase and echo of that gentleman's "very able Minute"

We now come to Lord Dalhousie's Minute, and notwithstanding the reviewer's admiration of its "vigour and ability," we may look in vain for any evidence of research or inquiry, or even of thought, on a subject so worthy of careful consideration Lord Dalhousie, like Lord Falkland, trusts implicitly to Mr Willoughby, appeals to his "demonstration," adopts his conclusions, and reiterates with undoubted vigour his assertion of paramount prerogative But he does not think it necessary, any more than Mr Willoughby, to explain why not a single precedent can be produced for the exercise of that right of the extinction of sovereignties which, according to him, "appears to have ever been the practice throughout all the states of India"<sup>2</sup> How it can "appear" to have been the practice, without a single instance of the practice appearing in the history or in the political records of India, it still remains for some admirer of Lord Dalhousie to teach us We are thus left face to face with Mr Willoughby Lord

<sup>1</sup> Letter to the *Daily News*, by L R Reid, Esq (Smith, Elder, and Co, 1853), p 5 See also the Parliamentary Papers, Baroda, 1852, p 1115

<sup>2</sup> Annexation of Sattara, 1849, p 81

Falkland, Lord Dalhousie, the Court of Directors, and the *Edinburgh Reviewer* all refer us to that gentleman for the arguments on their side. If, therefore, I can effectually refute those arguments, my task will be completely accomplished.

The staple of Mr Willoughby's argument—the major premiss upon which he rests his whole cause, consists in an incessant reference to some precedent, or series of precedents, which he declares to have come down to the British Government from the Governments—which preceded us,” “the universal and immemorial custom of India, “the imperial house of Delhi, and so forth. All this is very confidently and very positively urged, and had as we have seen, a very convincing and comforting effect upon those great authorities of the *Edinburgh Review* who had made up their minds to annex already but to any one who brings an unbiased mind to bear upon the subject, Mr Willoughby's Minuto presents a most curious aspect. We find him persistently pointing out a precedent to us, which appears to recede as we advance. He assures us that he has hunted it out, and has got it, but he concludes and departs, without having either displayed its beauties, or declared its qualities, or even told us its name.

A more important question,” says Mr Willoughby than that of the continuance or extinction of the Sattara State has not arisen since I became a member of this Government. It does not affect that State exclusively but raises the general question of what is the right policy to be pursued towards any other native State of India under similar circum-

stances In other words, it raises the question, whether on failure of heirs natural it is expedient to absorb them in the general sovereignty of the Anglo-Indian empire, or to continue them by the Hindoo custom of adoption."

It appears somewhat ominous and threatening that at the very opening of his Minute, and before he has alluded to the possibility of there being any claim of right involved, Mr Willoughby proposes to treat the question as one of expediency. However, on the whole, the temper and spirit in which he professes to enter on the discussion are quite unobjectionable "A question of this grave and comprehensive character can only be determined after much study and research, and the most dispassionate consideration, and with a full knowledge of the prerogatives vested in the governments we have succeeded."<sup>1</sup> All this is very fair and proper, nothing can be more reasonable and equitable than Mr Willoughby's declared intentions. But I am compelled to ask, after carefully perusing his Minute, where is there any sign or symptom of "the study and research" which he admits ought to have been employed in discussing this very important case? He asserts in various passages that it is our "undoubted prerogative to refuse to recognise heirs by adoption," he says that "the imperial house of Delhi would have exercised this prerogative in the days of its vigour," but not a particle or a vestige of documentary evidence of this prerogative, not a historical fact bearing upon it, not a single precedent can be adduced from the records of any one of "the Govern-

<sup>1</sup> Annexation of Sattara, 1849, p 67

ments that preceded us." The only precedent he produces is that of Colaba, which was one of our own creation, and had occurred just five years before the date of Mr Willoughby's minuta. The fact is, that no other precedent could be found.

I endeavoured to prove in the last Letter that the "ruling sanction even as applied to petty feudatories and hereditary zamindars, was not a right of forbidding or annulling, or ignoring but simply the right of regulating adoptions, asserting supremacy and enforcing subordination and that the right of investiture was not a right of refusing investiture. Even in the case of hereditary zamindars and inamdaras, we have, therefore, never justly possessed the right of disallowing adoptions for our own purposes even where we had retained or acquired the prerogative of investiture over minor principalities, we had no more right to forbid the succession of an adopted son than of a lineal male descendant. But with respect to Hindoo Princes, with whom we had contracted treaties of perpetual friendship and alliance, this new claim of mutilating and perverting their law of inheritance so as to corrupt the blood of all collaterals of all cognates and of all agnates, except the lineal male descendants of the first Prince who was induced to become our ally rests upon no precedent whatever and upon no analogy except the false analogy of Colaba,—which in 1818 was a very recent confiscation. This preposterous claim had its origin and depends for its justification entirely upon the bold and confident assertions of Mr J P Willoughby without a vestige of historical legal, or documentary proof.

The following sentence from Mr Willoughby's "very able Minute" contains what is perhaps at once the boldest, the most confident, and the most utterly unfounded of these momentous assertions —

"No member of any of the other branches of Sivajee's family can have any claim to the possessions held under the treaty of 1819, which in fact created the State, and *limited the succession to the descendants of the party* on whom it was gratuitously conferred."<sup>1</sup> Now, it is perfectly true that, without a duly solemnised adoption by the Rajah or his widow, no particular member of Sivajee's family could claim the succession, it is also quite true that the treaty of 1819 did "in fact create the State" The Rajah, though titular Suzerain of all the Mahrattas, had been a mere political puppet and prisoner, we had never had any connection or communication with his ancestors or with him, but had always dealt with the Peishwa as the real and recognised executive head of the Mahratta confederation. The dominions under the Peishwa's government were fairly conquered in a war which he commenced himself by an unprovoked and treacherous aggression, and while the Rajah of Sattara was established by the treaty of 1819 as the ruling Sovereign of a portion of those conquered dominions, the Governor-General, Lord Hastings, very judiciously thought fit,—following the precedent and language of the treaty by which the central portion of Tippoo's conquered territories was, under similar circumstances, allotted to the Rajah of Mysore,—to employ such terms in that treaty as should be a per-

<sup>1</sup> Sattara Papers, 1819, p 121

petual bar to the revival of the Rajah's federal pretensions, a perpetual record of his obligations to the British Government. Certainly I have no objection to admit that the State of Sattara was created by the treaty of 1819 or even to use Mr Willoughby's other formula, and say that it was "gratuitously conferred." These studied phrases of covert disparagement can bring no aid to Mr Willoughby's cause, unless indeed, he can quietly lead us to the strange conclusion that whatever has been "gratuitously conferred" can at any convenient opportunity be arbitrarily resumed by the donor. This would indeed be a new interpretation of the word *gratuitous*. And yet from the general tenor of Mr Willoughby's argument, he really seems to aim at such a conclusion, since he actually does claim for the British Government, notwithstanding the silence of the treaty and on no grounds but these "creative and gratuitous grounds not only an implied right of investiture, but also a constructive right of confiscation."

Still Mr Willoughby is not satisfied with the silence of the treaty. He does not feel sufficiently strong with his implied right of investiture or with his constructive right of confiscation or with his wonderful array of indefeasible and invisible precedents. He is not content with saying that the British Government by the treaty of 1819 "created the State of Sattara, and gratuitously conferred" it upon the Rajah—which I do not dispute—but he must force the silent treaty to speak. And here I think he goes too far. He distinctly states in this same passage which I have quoted at full length, that the treaty of 1819 limited

*the succession to the descendants*" of the other contracting party This is not one of those statements of equivocal meaning in which Lord Dalhousie rejoiced , it is simply a mis-statement In the treaty of 1819 there is not one word of "descendants," there is not one word of limitation Treaties have been made in more than one instance, as I have already pointed out, with a limitation to the descendants of the other contracting party,<sup>1</sup> but the treaty with the Rajah of Sattara is not one of those treaties It purports to be a treaty of "perpetual friendship and alliance" with the Rajah of Sattara, his heirs and successors, and contains nothing whatever to restrain the operation of the ordinary law of inheritance But Mr Willoughby's groundless assertion to the contrary passed current at Calcutta

Mr Willoughby's decree of annexation having passed triumphantly through the Supreme Council, then came before the Court of Directors and the Board of Control in London It was here unsuccessfully resisted, as already mentioned, by Messrs H St George Tucker, W L Melville and J Shepherd, General Caulfield and Major Oliphant Mr R D Mangles replied to the written protests of the minority in a long paper "exhibiting," as he said, "in detail the grounds on which the annexation was approved ;" and the majority of the Directors expressed their general concurrence in his remarks There is very little new matter brought forward by Mr Mangles , he reiterates Mr Willoughby's version of the ruling sanction, extending, as that gentleman did, the right

<sup>1</sup> *Ante*, p 151

to be consulted and to regulate successions, into the right to disallow and ignore adoptions. But the utter impossibility after the most audacious assertions, of producing a single precedent, or the semblance of a precedent, from the practice of any ancient or modern Government in India, receives its final confirmation from the ridiculous and solitary instance which Mr Mangles offers as "a case in point."

"It will be remembered," says he, "that in the recent instance of Kristna Rao whose father by adoption had received a grant of a *nemnook* from the Guicowar (the *sunnud* conferring which was couched in quite as strong terms, as respects hereditary descent in perpetuity as our agreement in 1819 with the Rajah of Sattara) although there has been great diversity of opinion, both in this country and in India, as to the manner in which the claim ought to be disposed of, the right of the Guicowar to put a limit to his own grant, by refusing to recognise the adoption continuing the family of the grantee, as far as succession to the *nemnook* is concerned, has been admitted by all."<sup>1</sup>

Mr Mangles must have been in fearful straits for a precedent when he presented such an absurd case as this. He instinctively tries to gloss over the extravagance of this false analogy by disguising the treaty under the vague and colourless appellation of an

agreement. The document granting an annuity to the family of a subject and servant, is compared by him with a treaty of "perpetual friendship and alliance made with a Sovereign, " his heirs and successors." A *nemnook* is a hereditary pension in money

<sup>1</sup> Annexation of Sattara 1840 p. 148.

usually connected with some honorary or sinecure office Mr Mangles consequently argues that if a Government can abolish a sinecure office or stop a political stipend, it can also confiscate a great nobleman's estate, or annex a dependent principality It is as if some Radical politician in England were to maintain, that as Parliament had abolished the offices of Deputy Chaff-wax and first Lord of the Powder-closet, and had commuted the annual charge on the Post Office Revenue enjoyed by some noble family, it ought next to proceed to resume the Duke of Bedford's manors, and ultimately to annex the kingdoms of Greece and Portugal.

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## LETTER VII

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NAGPORE

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It is the unanimous testimony of all persons possessing local knowledge and experience, that at no native Court in India was there so complete and cordial a recognition of British supremacy entertained and encouraged, as there was at the Court of Nagpore, during the last few years of its political existence. Rugojee Rhonsla the 3rd, Rajah of Nagpore, died on the 11th December 1853 at the age of 47 and after a few days illness. The Banka Baee, widow of Rugojee, the 2nd, a lady of great talents and energy who had been Regent during her grandson's minority and who had for upwards of fifty years exercised a dominant influence both in domestic and public affairs, proposed that Yeahwunt Rao Aher Rao commonly called Appa Sahib the deceased Rajah's grand-nephew should at once be adopted as a son but that no public ceremony installation or procession should take place until the approval and sanction of the Governor-General had been obtained. The wishes of the Ranees were communicated to Mr. Mansel the Resident, who adhering

to the standing instructions of his office, would neither forbid nor give any "special encouragement" to the proposal,<sup>1</sup> but distinctly said that he would not recognise an adoption in any manner, until the orders of the Supreme Government were received. The ceremonies of adoption were then duly performed in the Palace, and the funeral rites were celebrated by Appa Sahib, who subsequently received the name of Janojee Bhonsla. On the 28th January, 1854, little more than a month after the Rajah's decease, Lord Dalhousie recorded a Minute declaring that there was no heir or representative of the Bhonsla family, no claimant to the musnud of Nagpore, and that the sovereignty had "lapsed" to the paramount power. The Council, with the exception of General Low, concurred with the Governor-General, and the orders for annexation were at once issued and executed.

The unequivocal inherent rights of Appa Sahib, the natural, intended, and adopted heir to the musnud, were strangely underrated and overlooked after the Rajah's death, which can only be attributed to the inability of the Ranees to plead their own cause, and to their actual ignorance of what adverse case, what objections of fact or law, were set up against them. They indeed did not anticipate that any objections would be made—the annexation came upon them like a thunder-bolt. Lord Dalhousie, in pars 9, 17, and 27 of his Minute of the 28th January, 1854,<sup>2</sup> three times in the same terms, objects to "the gratuitous alienation of the State of Nagpore in favour of a

<sup>1</sup> First Nagpore Blue book, 1854, p 56

<sup>2</sup> Ditto, pp 23, 26, 30

*Mahratta youth.* In par 28 of the same Minnte,<sup>1</sup> his Lordship states the simple question for determination is, whether the sovereignty of Nagpore, which was bestowed as a gift on a *Goojur* in 1818 shall now be conferred upon *somebody else* as a gift a second time. In par 14 of his Lordship's farewell Minute reviewing his administration, dated the 28th February 1856 he states that the sovereignty of Nagpore was left without a claimant," and the British Government refused to bestow the territory in free gift upon a *stranger*. Neither in Lord Dalhousie's Minntes, nor in those of the Members of the Supreme Council, is there any serious discussion of Appa Sahib's claims there is scarcely any allusion to his existence. It may not, therefore, be considered out of place, if I endeavour to supply former deficiencies and to elucidate his real position by birth and by adoption.

According to a family custom, applicable only to the lineal descendants of the Rajahs, his mother Myna Baee, the late Rajah's niece, and great-grand-daughter of Rughojee the 2nd, came to reside in the Palace a short time before her confinement, and was there delivered of a son on the 14th August, 1834. On his birth being announced, a salute of twenty-one guns was fired in the public square of the Palace, and a *feu de joie* was fired by the Rajah's Artillery and Infantry. And on the 25th of the same month the principal Chiefs and Ministers of the Court visited the Resident on the part of the Rajah for the purpose of distributing sugar on the occasion.<sup>2</sup> At the birth of no other person now

<sup>1</sup> First Nagpore Blue book, p 30

<sup>2</sup> Sugar is sent to relatives and intimate friends by a Hindoo

living in Nagpore were such honours paid, or such a communication made to the British Resident. This boy was brought up entirely as a child of the Palace, in which he much more usually resided than in his own father's house. Wherever he went, ten or twelve of the Mahratta and Mussulman Maunkurices (hereditary officers of rank and family) were appointed to attend upon him, spearmen and other servants, horses and elephants from the Rajah's establishment, were detailed for his service and retinue. Directions regarding his education and companions were always given by the Rajah himself. As he grew older, he accompanied the Rajah on all his progresses through the country, and sat by his side on public occasions in durbar and on his visits to the Resident. The Rajah would not permit his marriage to take place, a ceremony which among the Nagpore Mahrattas is usually celebrated at a very early age, but the conclusion of which precludes subsequent adoption. In a few words, as year by year the prospects of the Rajah having legitimate off-spring appeared to diminish, all the family and followers of the Court became accustomed to look upon Appa Sahib as the destined successor to the musnud. But for Lord Dalhousie's extraordinary Minute of the 28th January, 1854, in which he stated that the musnud was left "without a claimant," in which he alluded to Appa Sahib as "a Mahratta youth," and finally as "a stranger," but for the fiat of the Honourable Company's Government, this young

father when a son is born in his house. On this occasion it clearly signified the birth of an heir presumptive to the Rajah, whose health was frequently very delicate at this period, and who had been married for three years without issue.

man would undoubtedly have been the Rajah of Nagpore.

The entire contents of para 15 and 16 of Lord Dalhousie's Minute<sup>1</sup> before mentioned, avowedly founded on nothing but inferences and surmise, convey an impression directly opposed to the real circumstances which followed the death of the late Rajah. There never was the slightest difference of opinion or jealousy between the Banka Baee and the other Ranees there never was the least doubt or question among them as to their right to adopt, or as to the advisability of adoption, or as to the person to be adopted. Appa Sahib was at once summoned by the Banka Baee and by Anpoorna Baee, the senior widow and at the request of both these Ranees, his father Nana Aher Rao and his mother Nynna Baee, formally and in presence of all the assembled relatives, consented to resign him to Anpoorna Baee. The Banka Baee proposed that until the orders of the Supreme Government were received, the public ceremony of giving a new name to the young Rajah, and the usual procession and installation, should not take place and while this question was being debated in the family circle, the information that the Resident had ordered seals to be put on the Treasury and Jewel Office, and had otherwise taken measures for exercising all authority in his own person, decided it in favour of the Banka Baee's consistently submissive policy. The Baee said at that time, and on many subsequent occasions, that she had already seen the affairs of the Nagpore State settled several times by orders from

<sup>1</sup> First Nagpore Blue book pp 21-2.

Calcutta, and that she had no doubt they would be settled once more on the old terms Mr Mansel's kind, considerate, and consolatory manner and expressions, still more tended to confirm the Ranees as to the prudence and propriety of trusting to his good offices, and to the friendship of the Honourable Company It is remarkable that General Low, in pars 26, 38, and 41 of his second Minute<sup>1</sup> of the 11th February 1854, with singular accuracy divined and described the state of affairs and of feeling at Nagpore on the subject of adoption The Ranees and their advisers having indicated their wishes to the British Resident, waited patiently for the orders of the Supreme Government And yet, although no reference was made to the Ranees during the consultations of Government, and although, after the orders for annexation had been communicated to them, the Ranees protested against them and begged that their adoption of Appa Sahib should be recognised and approved, so permanent appears to have been the misunderstanding produced by the original imperfect explanation, that in his farewell Minute of the 28th February 1856, para 14, Lord Dalhousie writes as follows —“No son had been born to his Highness , none was adopted by him , none, *as they have themselves admitted*, was adopted at the Rajah's death, by the Ranees his widows” This is extraordinarily and inexplicably erroneous The Ranees, so far from admitting anything of the sort, have never ceased to the best of their poor ability to press the claims of their adopted son upon the Government

<sup>1</sup> First Nagpore Blue book, pp 48-50

But Lord Dalhousie has intimated in para. 27 of his Minute<sup>1</sup> that he should under any circumstances have been prepared to offer his decided opposition to the approval by the British Government of any adoption by the Rajah or by the Ranees. His Lordship denies the legal validity of any such adoption until confirmed by the paramount power and paras. 19 to 24 inclusive are devoted to disproving a supposed plea that the British Government was bound to recognise succession by adoption in the Bhonsla family because it had already recognised the right of adoption in the elevation of the late Rajah to the musnud on the deposition of Appa Sahib in 1818. In order to give a full exposition of all the various phases of this remarkable case, I shall proceed to point out the confused and erroneous nature of Lord Dalhousie's comments on the events attending the late Rajah's succession to the musnud, and of his inferences and arguments founded thereon. The conclusion arrived at is contained in a sentence of paragraph 19 of the Minute<sup>2</sup>— The Government of India in 1818 did not recognise that the Nagpore succession had passed by adoption, and did not place the late Rangojee on the musnud because he had been adopted into the Bhonsla family. This is a mere discursive objection, which at once raises a false issue, and implies an absolute falsity. No one ever maintained or imagined that the late Rajah was placed on the musnud "because he had been adopted" most certainly none of the family or any native politician or pundit, could ever have made

<sup>1</sup> First Nagpore Blue-book, p. 30.  
<sup>2</sup> Ditto p. 47

use of such an incorrect expression He was placed on the musnud because he was the next heir; and he was adopted because he was the next heir On the other hand the British Government in 1818 had never pretended—though Lord Dalhousie insinuates it had,—to the prerogative of sanctioning or forbidding adoptions, or of interfering with the Hindoo law of inheritance in the succession to Hindoo sovereignties That political heresy arose at a much later period

What really occurred in 1818 was very simple, and can be easily explained The British Government having subdued the hostile party at Nagpore, and deposed the faithless Appa Sahib, decided not to enforce the penalties of conquest, and not to expel the Bhonsla dynasty therefore the late Rajah's right to the succession became good, and as next heir he had a right to be adopted as a Bhonsla But the Hindoo religious ceremony of adoption was a matter that concerned the Rajah and his relations much more than it did our Government, which was in fact quite indifferent on the subject

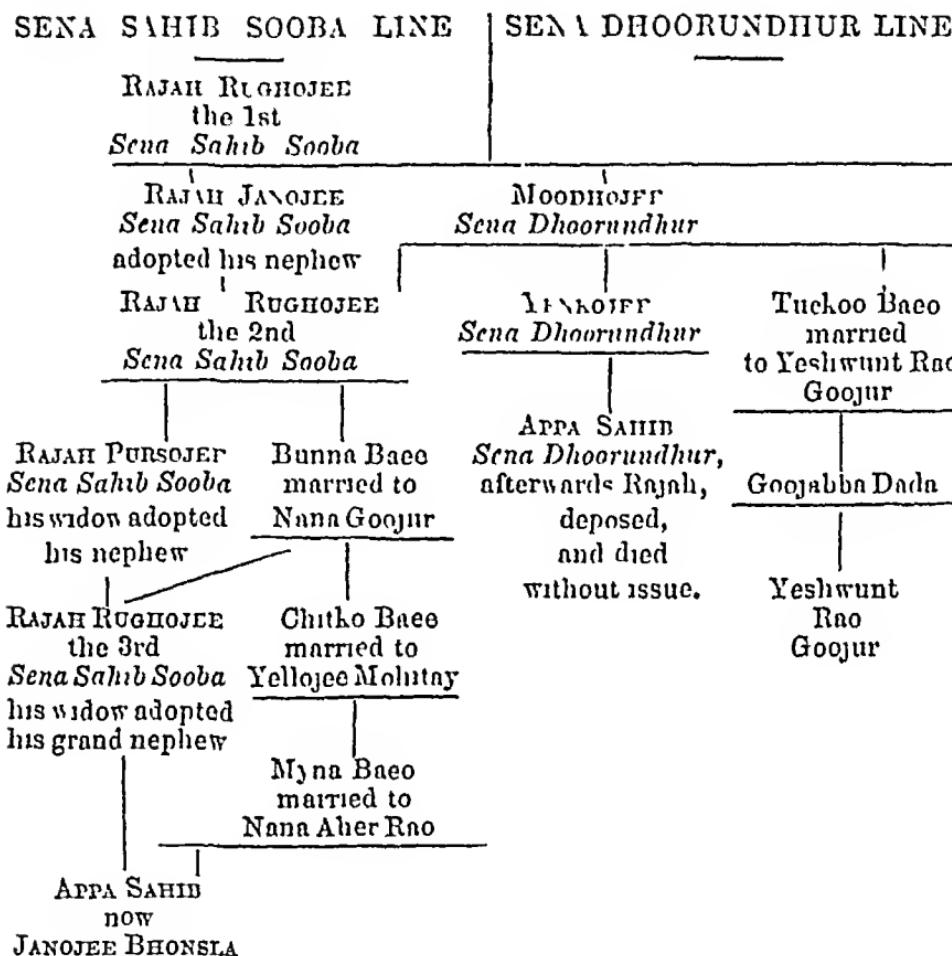
It is not correct that the late Rajah was adopted,—as Lord Dalhousie states,—“long after” his installation. His Lordship appears to lay some stress on the supposed want of connection between the two ceremonies<sup>1</sup> But the truth is that the late Rajah,—as stated in Sir R. Jenkins's Nagpore Report, p 137, and as I have ascertained beyond a doubt from members of the family who were present on the occasion,—was adopted by Rajah Pursojee's widow, and placed

<sup>1</sup> *Vide* para 19, 20, 21, and 22 of his Minute, First Nagpore Blue book, p 27 28

upon the mushud as Rughojee Bhonsla the 3rd on the same day the 26th June 1818. The solemnities for which the presence of Goojabba Dada, the eldest male of the family was required, and which were deferred until his arrival, were the ceremony of the adopting Ranees taking her son through the city to the temple of Jagheshwur and the other rejoicings usual on the accession of a Rajah, the very same ceremonies that were deferred in 1853 until the pleasure of the Supreme Government should be known, and which were not fully performed until August 1856 when the Ranees took their adopted son in solemn procession to the temple, and publicly acknowledged him as the head of their family under his new name of Janojee Bhonsla.

In 1818 the late Rajah's position as next heir was indubitable and undisputed. Not only was he the grandson of Rughojee the 2nd, but a large party in the family and among the nobles of Nagpore, had considered him to be the rightful heir on the death of his uncle Pursojee, to the exclusion of Appa Sahib who was Pursojee's first cousin. The accompanying genealogical tree will make the various points of the case quite clear and distinct. It will be observed that Janojee Bhonsla is the grandson of the late Rajah's sister and a lineal descendant of the late Rajah's grandfather Rughojee the 2nd while Yeshwant Rao Goojur called by Mr Mansel, the Resident "another pretender to the throne," <sup>1</sup> is only descended from the late Rajah's grandfather's sister.

<sup>1</sup> First Nagpore Blue-book, p. 20



According to Hindoo belief, not only temporal but eternal happiness depends on having a son. A son or male descendant alone, by performing the *Shaddh* or offerings for the dead parent or ancestor, can obtain rest for his departed spirit. Hence the adoption of a son, in default of legitimate issue, is a religious obligation. Thus, for instance, Rajah Janojee was obliged by the strictest precepts of his religion to have a son to perform his funeral rites, and this son, whether of his body or of adoption, must of necessity be his heir. But he was also bound by an old established Mahratta

custom, founded on the wisest principles of state policy and in perfect harmony with Hindoo law to choose his nearest male relative, in the male line of descent, and in a lower generation to himself,—a brother or a cousin in a corresponding generation or equal degree of descent, being considered on an equality and incapable of being adopted as a son. In due course, therefore, he adopted Rughojee, the eldest son of his brother Moodhojee, who was himself, according to our notions, the next heir.

Again Rajah Pursojee was obliged to have a son to perform his funeral rites and a son of Appa Sahib his first cousin, being the nearest relation in the male line and in a lower generation, would have been the undoubted heir entitled to be adopted by Pursojee or his widow. But Appa Sahib himself,—although according to European ideas the presumptive heir—being in a corresponding or equal generation to Pursojee was absolutely incapable of adoption as his son. Appa Sahib had no son, and therefore as he was the last descendant in the male line, the right of succession by adoption fell, by the Mahratta rule referred to at page 146 of Jenkins Report, to the nearest descendant in the female line from the founder of the dynasty “the nearest male descendant of the last Rajah who had any (offspring).”<sup>1</sup> This was the late Rajah, the grandson of Rugbojee the 2nd and Pursojee’s nephew who was also preferred as a direct descendant in the *Sena Sahib Sooba* line while Appa Sahib, although descended through males was the third in descent in the collateral line of *Sena Dhoor-*

<sup>1</sup> *Ibid.* p 141.

undhu, that secondary title and its appanage of Chanda having been enjoyed by himself, his father, and his grandfather Appa Sahib, by his position in the family, undoubtedly had the right of regency and guardianship during Pursojee's incapacity and his successor's minority, but Appa Sahib's first and most sacred duty was, either during Pursojee's life or at his death, to effect the adoption by Pursojee or his widow of the late Rajah This duty he evaded, and it was to prevent the adoption being effected by other members of the family, that he imprisoned the Banka Baee, caused Goojabba Dada to fly for his life to Allahabad, murdered Dhurmajee Bhonsla, and at last had Pursojee himself put to death He then with daring impiety himself performed Pursojee's funeral rites, and usurped the succession The Banka Baee was at the head of the opposition party, and could they have obtained the countenance of the British Resident, they were quite strong enough, with her talents, influence and popularity, to have restrained Appa Sahib from all interference in the Government during the life of Pursojee, and at his death to have placed the late Rajah on the musnud as his adopted son.<sup>1</sup>

If these facts did not entirely escape the notice and attention of Lord Dalhousie, he strangely misinterpreted their import In para 20 of the same Minute<sup>2</sup> his Lordship thus remarks on the policy of the Marquis of Hastings — “The Governor-General regarded

<sup>1</sup> “The present ruler of Nagpore,” writes Sir John Malcolm to Lord Hastings in 1817, “sought our alliance to fix him on a disputed throne” Malcolm’s Political History of India, vol ii, Appendix, p cxlv And in the same work, vol i, p 503, he says — “Appah Sahib was in a great degree indebted for his elevation to the English government.”

<sup>2</sup> First Nagpore Blue-book, p 27

the Nagpore State as forfeited by the acts of Appa Sahib and the treaty of alliance at an end. The Governor-General thereupon resolved to *set up a boy whom he selected* to be Rajah, with a regency which he also selected. No reference whatever was made to adoption. The Governor-General selected this boy not because adoption gave him a claim, for he was not adopted till long afterwards<sup>1</sup> but because policy recommended him as one who had a party in the State and in the family and who was therefore likely to be acceptable. In one word the Government regarded the State of Nagpore as absolutely at its disposal. It bestowed the sovereignty upon the person whom it thought best and it conferred the gift upon him under the influence of no consideration, but its own free will and pleasure.

A more correct description of these measures and of their grounds may I believe, be very plainly and simply stated thus — the State of Nagpore was undoubtedly at the disposal of the British Government which had, in consequence of Appa Sahib's treacherous hostility obtained the full rights of conquest but from motives of generosity and policy it waived those rights and allowed the next of kin to succeed. It is expressly stated in the preamble to the treaty of 1826 that "The Maharajah Rughoojee Bhonsla having succeeded to the same by the favour of the said Government, the following treaty is concluded." Whether Appa Sahib be considered, as the Banks Bace's party did and do consider him, as a usurper or not, there can be no doubt that on his deposition or civil death

<sup>1</sup> This, as I have already shown is a mistake.

the late Rajah was the next heir ; and the elevation of any more distant relation or of a stranger to the vacant musnud, would have borne the appearance of unmeaning caprice, would in fact have been a gross injustice, and must have inevitably led to endless intrigue, discontent and violence This is the correct explanation of the "selection of a boy" to be Rajah after Appa Sahib's deposition It was not considered just or expedient to extinguish the sovereignty Appa Sahib was the sole offender, while the Banka Baee had rendered our Government most valuable services, and her influence had in a great degree neutralised the effect of her nephew's treachery

Lord Hastings himself gives the following account of Nagpore affairs in 1818, in the Summary of his Administration, submitted to the Court of Directors with his letter, dated Gibraltar, 6th May, 1823 — "When Appa Sahib, the expelled Rajah of Nagpore, stood in a perilous condition, from his proximity to the rule of that country, and the jealousy which the reigning Prince entertained of him, we secured his life by our avowed protection The subsequent decline of that reigning Prince's intellect into complete idiocy, made it necessary for the British Government to place the Regency in the hands of Appa Sahib The Regent, availing himself of the facility which his situation afforded, caused the Rajah to be poisoned, *lest he should adopt a son*, who might, notwithstanding the Rajah's incapacity of choice, find support from some party in the State The crime was suspected, but as there was not then anything like proof of it, the surmise could not stand in the way of Appa Sa-

hib's accession to the musnud, or throne, so that he was immediately recognised by us as the lawful head of the Government. Our further intercourse was a succession of favours lavished by us, till the Peishwa resorted to arms. He then briefly describes Appa Sahib's treachery and deposition, and states that the disturbed state of the country made it expedient for us to lose no time in establishing a new Government. The members of the reigning family and the principal persons of the State, were consulted. They unanimously recommended the nearest of blood in the Bhonsla (the Rajah's) family for the succession, and he was raised to the musnud in the room of Appa Sahib.<sup>1</sup> What a contrast to Lord Dalhousie's contemptuous assertion that Lord Hastings "set up a boy whom he selected."

It was only natural that arguments establishing the late Rajah's absolute legitimacy and the justice and wisdom of the Banks Bae's original policy should have been encouraged and become popular during her Regency and the late Rajah's reign. But so far as I can ascertain, her view of the late Rajah's right of succession is entirely in accordance with established Mahratta custom and state policy while it is quite conformable to strict Hindoo law. It is also quite in accordance with the brief outline of events, and with the explanation of the law and custom of inheritance among the Bhonslas, contained in Sir Richard Jenkins's Nagpore report. The sole reason he gives for rejecting the Banks Bae's policy is as follows —

<sup>1</sup> Report of Select Committee of House of Commons on the East India Company 1833 Appendix, pp. 103-104.

"We recognised Appa Sahib's right, because Pursojee was acknowledged to be too imbecile an intellect to exercise, *sui iuris*, the privilege of adoption." At first sight this reason appears sound, but I doubt if it will hold good either on principles of the Hindoo religion or of the established customs of Mahratta States for such a rule would debar all persons whose minds were weak from disease or advanced age, from having a son adopted for them, (a family arrangement that is often made) while it sets aside entirely the right of the wife or widow to adopt for her husband.

It must be remembered that all the English published accounts of the events of 1816-18 are based on the official reports, and that the Banka Baee's side of the question has hardly been heard yet<sup>1</sup>. The Baee always maintained that if her proposals had been accepted, there would have been no war. She made repeated overtures regarding a subsidiary treaty, and warned the Resident that Appa Sahib was merely negotiating as a pretence, and to gain a temporary safeguard against the partisans of her grandson. And the result showed that her warnings were true. Appa Sahib only wanted English protection while Pursojee was living. From the time that he had assumed in his own name the honours and authority of the Raj, he lent himself wholly to the designs of the Peishwa Bajee Rao. Persons are still living, who when the firing had commenced at the battle of Seetabuldee,

<sup>1</sup> The fullest and clearest narrative of Nagpore affairs during that critical period that I have seen, is to be found in the History of the Marquis of Hastings' Administration, by Mr H T Prinsep, published in 1825. It in general agrees with the local chronicles, except in some few respects, such as the character of Dhurmajee Bhonsla, Appa Sahib's murdered opponent, which stands very high in the Nagpore traditions.

were sent by Gholam Mohammed Khan, the principal Commandant of Cavalry to tell Mr Jenkins that if he would give the order they would declare for the Baee and Rughoojee's grandson, and attack Appa Sahib's Rohillas and Arabs. Mr Jenkins is said nobly to have replied—"I am not your master and I have no order to give your master the Rajah will have to answer for this day's work." Even at that moment of life and death he refused to deviate from the straightforward undisguised course of action which his opinions had dictated, or to sanction intrigue even against his treacherous enemy. Both before and during the battle messages came from the Banka Baee and it is well known that in consequence of her influence the Mahatta horse totally declined to fight, and ten thousand of them fled before the first forward movement of one hundred and twenty Bengal Cavalry. Sir Richard Jenkins's name is revered at Nagpore for his fatherly care of the late Rajah, for his rescue of the finances and resources of the country from a miserable state of depression and decay and for his upright and beneficial administration during nearly twelve years but the misfortunes of the family and of the State are attributed in a great measure to his error in promoting Appa Sahib's claim both to the Regency and to the succession. The actual and ultimate cause was of course the weakness and perfidy of Appa Sahib. But even by the published narratives it will be seen that until within a week of the treacherous attack on the Residency Sir Richard Jenkins was supporting Appa Sahib against the Banka Baee and the old ministers of Rughoojee the 2nd, with all the weight of his influence

and of the British troops Sir Richard Jenkins's policy, though it failed to preserve peace, was throughout characterised by good faith , and his choice of Appa Sahib's party was founded on fair and reasonable grounds And its result, although destructive of the position of the Nagpoore State as a separate power, undoubtedly added to the influence as well as to the territorial possessions of the British Government But we ought not to forget the Banka Baee's share in those transactions, or that Appa Sahib was deservedly punished and ample compensation exacted at the time , while she was still living in 1858 to plead a friendship of half a century, even more effectual in our favour in 1857 than in 1817

I must explain that in stating the case contended for by the Banka Baee and her party in 1817-18, and expressing my own conviction of its justice, I do not intend to assert that the Mahratta law and custom of inheritance therein upheld can be shewn, by any authoritative document or by the uniformity of precedents, to be so clearly laid down, and so universally accepted that there never was any ground for doubt or contention This desirable point has not hitherto been attained in Hindoo or in Mahomedan States , and it has only been very gradually accomplished in Europe , indeed, within the last twenty-five years we have seen wars of succession in Spain and in Portugal Disputed inheritances and wars of succession have occurred frequently both in Asia and in Europe,—more frequently, however, from political or military complications affording a chance to a pretender, than from any real uncertainty as to the person in whom the legal right vested.

I do not therefore, intend to assert that the views of the Banka Raae and her party were never questioned, and are perfectly unquestionable but only that the right of the descendant in the female line to succeed and to be adopted, in default of a descendant in the male line eligible for adoption, as maintained by them, cannot be dogmatically contradicted by Hindoo law but is conformable both with its letter and its spirit.

The whole tenor of Lord Dalhousie's arguments is intended to show that the Nagpore territory was forfeited, that a new principality was created by the will and pleasure of the British Government, and granted to the late Rajah without reference to his position in the Bhonsla family. In para 6 of his Minute<sup>1</sup> he says, "In consequence of the treachery and hostility of Appa Sahib, the State was declared to be ours by conquest in 1818 a portion of the territory was conferred by the British Government upon the late Rajah in that year and was confirmed to him, his heirs and successors, by treaty in 1826." There are two errors of some importance in this short extract. The State of Nagpore was never at any time<sup>2</sup> "declared to be ours by conquest." Doubtless by the laws of war and of nations it might have been declared ours but such a declaration was not made. It is also a mistake to say that in 1818 "a portion of the territory was conferred upon the late Rajah." The late Rajah by the favour of the British Government was allowed to

<sup>1</sup> First Nagpore Blue-book, p. 23.

<sup>2</sup> Of course, I mean, publicly declared; I do not allude to the terms used in despatches (though I have seen none to that effect) but to those used in proclamations and treaties.

succeed to the whole of the Nagpore territory without any deduction. A reference to Article V of the treaty of 1826 will show that Appa Sahib had ceded, in lieu of the subsidy and contingent, the Sangor and Nerbudda Territories and other districts, previously to his second act of hostility, and that the late Rajah merely confirmed this cession, the ratifications of which had not been exchanged during Appa Sahib's short tenure of power. The form was not gone through of annexing the territory, or of proscribing, condemning, and then condoning the Bhonsla family. The Nagpore dominions were not annexed by the Company, and then conferred as a gift on the late Rajah. On the contrary, they were without any interregnum or intermission, administered during his minority in his name by British officers, without any treaty or agreement or instrument of gift of any description, until his majority in the year 1826, when a treaty was concluded, in which he was expressly declared to have "succeeded" to the musnud of Nagpore, and in which he was required to confirm former cessions, which of course would never have been required or permitted had he received the Principality as a gift or new grant.

The arguments which I have already noticed are thus summed up by his Lordship at the end of para 28 of his Minute<sup>1</sup>—“The simple question for determination is whether the sovereignty of Nagpore, which was bestowed as a gift upon a *Goojur* in 1818, shall now be conferred upon *somebody else*, as a gift a second time”

The late Rajah undoubtedly was born a Goojur, but

<sup>1</sup> First Nagpore Blue book, p. 30

he was also the grandson of Rughojee the 2nd, and next of kin and heir both to Pursojee and Appa Sahib and in 1818 the British Government forbore to enforce its rights of conquest, or to subvert his right of succession. The late Rajah is not, therefore, adequately described as having been merely "a Goojur" he was a lineal descendant and next of kin. Janojee Bhonsla was not adequately described as "a Mahratta youth" he is a lineal descendant of Rughojee the 2nd, and next of kin to the late Rajah. And the real question for determination would have been more properly stated as follows — Whether the sovereignty of Nagpore to which the next of kin was allowed to succeed in 1818 when the treacherous hostility of Appa Sahib had placed the State and musnud at the mercy of the British Government should a second time be allowed to descend to the next of kin, after thirty five years of faithful and useful alliance during which periods upwards of two crores of Nagpore rupees<sup>1</sup> were paid to the British Government as subsidy and during which period the Rajah's troops marched four times across the Nagpore frontier to the assistance of the paramount power.

But it seems to be objected that though Janojee Bhonsla was next of kin, an adoption, according to Hindoo law and Mahratta custom was insufficient that his blood-relationship was insufficient and that an adoption approved and confirmed by the Imperial power was required, to make that relationship operative and productive of a title to succession. But where is such a limitation to be found? In tho-

<sup>1</sup> About two millions sterling

treaty there is no trace of any disallowance or restriction of the ordinary Hindoo law of inheritance. And should it be held that any such restriction was essential in the contemporary position, or derivative from the gradually altered position of the parties to the treaty, it is at least certain that no right of restriction was at any time openly claimed or communicated by the superior, conceded or acknowledged by the inferior power. The treaty of 1826 guaranteed the Nagpore dominions to the Rajah, "his heirs and successors." Now, whatever control over the descent of the sovereignty may be claimed by the paramount power, the Bhonsla family must be allowed to have *some* law of inheritance. According to Hindoo law and Mahratta custom Janojee Bhonsla was declared by all the members of the family to be the next of kin and *heir* to the late Rajah, and as such adopted by the widows. According to English, European, I may say universal law, in default of direct descendants in the male line, he, the direct descendant in the female line, was the natural heir to any sovereignty, title, estate, or personal property descending from his ancestors. By what law, by what semblance of law, can this heir be excluded? The British Government cannot have at once as much and as little of Hindoo law as will exclude him,—just so much as requires the form of an adoption to render his blood relationship effective for succession, and just so little as enables it to step in and to disallow that adoption. It must be remembered that not only does Hindoo law under certain circumstances confer the right and obligation of *adoption* upon the widow, but Mahratta custom

very clearly confers the right to be adopted upon the nearest relative whose parents consent to resign him. There is a right to be adopted as well as a right to adopt and in the present case there never was the shadow of a doubt as to the respective persons in whom those rights existed when the late Rajah died,—his widow and his grandnephew.

Wherever we have guaranteed a Principality to a Hindoo Prince, his heirs and successors, surely there can be no doubt that no law of inheritance except the Hindoo law in all its integrity was ever contemplated by either party to the treaty. And the addition of the word "successors," indicates that the protecting power claims no right to interfere in the domestic policy of the reigning family except so far as it is entitled to do so by the express stipulations of the treaty.

Nothing but the express stipulation of a treaty can give us any right to mutilate the Hindoo law of descent, or to ordain that adoption shall be good for the conveyance of private property but not for succession to a Principality. There never was any precedent for so propterous a distinction, until, within the last ten years,—under erroneous constructions which have excited the greatest alarm and indignation,—the British Government made some such precedents as those of Sattara and Jhansi. Not only have all Hindoo Princes a right to the full benefit of Hindoo law but they have the right to regulate the succession by their own family customs and their traditional state policy so long as they can carry it out peaceably. This is I am convinced, the only true interpretation of the expression their heirs and suc-

cessors" The heir is an heir according to Hindoo law, and who succeeds *de jure*, the successor is a future ruler *de facto* of the State with which the treaty is made, and while every rightful heir on his accession is a successor, that word also provides for and includes every case of doubt, or dispute, or actual change of dynasty, in which although the British Government might not consider itself bound by duty or interest to interfere on either side, it is thus enabled to insist that all local engagements and obligations shall be preserved inviolate

The word "heirs" is used in all European as well as in Indian treaties, to denote the regular succession in the reigning family, the word "successors,"—translated in Persian "*jæ nisheenan*," literally "sitters in the place,"—while including all heirs, is used to denote the succession of *sovereign power*, and to prevent engagements becoming invalid by national or family revolutions and abdications Thus treaties made with the elder branch of the Bourbons, and with the King of the French, are binding upon the Emperor Napoleon, who is their successor though not their heir, and our treaties made with the King of Naples are binding upon the King of Italy The word "successors" has no reference to genealogical descent, but to the descent of the functions of sovereignty

And although there may appear to be but little scope for irregular successions and dynastic changes in petty, protected feudatory Principalities, it is undeniable that the ties of our absolute *de facto* supremacy over every State in India, have been drawn much more closely than before during the last twenty years,

and that the extent of our interference has always depended, and always must depend, on the political circumstances and aspect of the time. When there was a disputed succession at Jhansi in 1835 the Supreme Government authorised Mr Begbie, the Political Agent, to recognise Ragonath Rao the Rajah who actually succeeded, but added,— it being presumed that he is able to establish his authority and that his succession will be acknowledged by disinterested parties at Jhansi."<sup>1</sup> These qualifying expressions indicate no absolute dictation to the family no positive claim to regulate or restrict the succession.

Now the position of Jhansi —where this freedom of action was allowed,—undoubtedly was that of a petty protected, subordinate state but the Rajah of Nagpore was never treated or considered as a dependent or feudatory Prince. In the year 1826 when the late Rajah Rughojee Bhonsla was approaching his majority Sir Richard Jenkins wrote as follows.— The early restoration of the State of Nagpore to its rank as one of the substantive powers of India, continued to be the earnest wish of the Governor-General in Council.<sup>2</sup> According to the accepted ceremonial and political traditions of India, the Bhonsla was the first in rank and precedence of all the confederated Mahratta Princes, both under the Rajah of Sattara's and the Peishwa's supremacy Scindia, Holkar and the Gulcowar were originally Soobadars appointed by the Peishwa the Bhonslas, although their ancestor was sent as Sena Sahib Sooba to Berar by the Rajah of Sattara, acquired the principal provinces of their kingdom by conquest

<sup>1</sup> Jhansi Blue book, p 17

<sup>2</sup> Nagpore Report, 1827 p. 314.

and treaty from the ancient Gond and Rajpoot rulers, and although they continued to receive investiture of the office of Sena Sahib Sooba from Poona, the *teeka* or mark of royalty, on their accession to the musnud, was given by the aboriginal Lord of the soil, the Gond Rajah. Their submission to the Peishwa, though frequently extorted, was never distinctly acknowledged. And it has been already satisfactorily established that the State of Nagpore was not conferred as a grant or a gift on the late Rajah, that no new Principality was created in his favour by the British Government, but that by its forbearance and favour he succeeded to the throne of his ancestors.

The conclusion is not to be avoided that the reigning family of Nagpore, "one of the substantive powers of India," had the right to retain its own law and custom of inheritance, and, in short, to arrange its own household affairs without the interference of the British Government, unless it should have been necessary to prevent bloodshed, or unless an appeal had been made by some member of the family against violent exclusion and usurpation. Such was and is the view taken by the Bhonsla family, such was the view taken and acknowledged by the British Government until a very late period.

A reference to Sir Richard Jenkins's Nagpore Report will prove that that eminent and experienced officer, in the year 1827, never doubted the right of a Rajah or his widow to adopt, and never supposed that the British Government had by its altered relations with the Bhonsla family acquired the prerogative of investiture or any power of interference with the

Mahratta customs of inheritance. Lord Dalhousie thus disposes of the recorded opinion to the same effect of Major Wilkinson, who was Resident at Nagpore in 1840 — “Major Wilkinson considered that the Rajah had been placed in exactly the same position as had been occupied by Appa Sahib and that he or his widow would have a right to adopt. This view was certainly not accepted by the Government of India, for no reply was ever made to the Resident a letter”<sup>1</sup> Thus I think constitutes what is commonly called a *non sequitur*. It would be in fact equally reasonable for me to say — “This view certainly was accepted by the Government of India, for silence gives consent.”

In the year 1844 the Governor-General in Council, in reply to the Resident Colonel Speirs request for instructions in the event of the Rajah dying without issue made a distinct recognition of the right of adoption by the Rajah, and by members of the family in case of his death without having made an adoption. The passage to which I allude is the more worthy of attentive consideration because it is quoted in Lord Dalhousie’s Minute,<sup>2</sup> par 26 as a proof that the question of adoption was “left open” by the Government of India. But the passage will not bear such a construction. It is as follows — “In the event of the death of the present Rajah, without leaving children, or an adopted son you should make arrangements for conducting the Government of Nagpore, pending the orders of the Government of India, which orders will be based on the circumstances that may present themselves at the time, and the right to make the adoption

<sup>1</sup> First Nagpore Blue-book p. 29

<sup>2</sup> Ditto, p. 30.

*which might be considered to attach to any surviving member of the Rajah's family."*

The right of the Rajah himself to adopt a successor (*which Lord Dalhousie denied<sup>1</sup>*) is here clearly recognised , while, to say the least, no doubt, no hint of disapproval is thrown out against the contingent right of the widow or other surviving relative to adopt on behalf of the deceased Rajah The ordered reference to Calcutta in such a case is obviously intended to guard against a disputed adoption, but conveys no doubt as to the general right

<sup>1</sup> *Vide* para 27 of his Minute, First Nagpore Blue book, p 30

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## LETTER VIII

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JHANSI

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THE last Rajah of Jhansi Gangadhur Rao died on the 21st November 1853 having on the 19th of the same month adopted a young kinsman as his son. This boy named Anund Rao was the sixth in descent from the common ancestor Ragonath Rao the 1st, and received after the ceremony of adoption the name of Damoodhur Gungadhur Rao. Of the regularity of the adoption in every point of view there never was any doubt or question raised the dying Rajah announced the step he had taken in the presence of two British officers—Major Ellis, the Political Agent and Major Martin, who commanded a detachment of Scindia's Contingent stationed at Jhansi,—and with his own hand he delivered to those officers letters to the proper authorities, commending his adopted son and his widow to the protection of the British Government. Indeed the adoption was recognised as regular and irreversible, both by the orders of the Supreme Government that Damoodhur Gungadhur was to succeed to his adoptive father's private property and by

the terms of the proclamation issued on the receipt of the final orders of annexation. That point therefore is not in dispute. The decision of the Government on that point is summed up in the following words : "The adoption was good for the conveyance of private rights, though not for the transfer of the Principality"<sup>1</sup>

I shall not stop to ask for any precedent or principle on which such an anomaly can be sustained as that of a Prince whose acknowledged "heir" is not admitted to be his "successor" in the Principality, it is not necessary to inquire whether the King of Delhi or the Peishwa ever dealt so with their unguaranteed dependents, because in the present case the hereditary succession is guaranteed by a treaty, by which alone the question can be decided. When the territories in the possession of Sheo Rao Bhow, Soobadar of Jhansi, were confirmed by the British Government "in perpetuity" to his grandson Ramchund Rao, "his heirs and successors," by the treaty of 1817, it was certainly not contemplated by either party to the treaty that the heir of a Soobadar of Jhansi could under any circumstances fail to be his successor. No other law of inheritance was intended or thought of except the Hindoo law of inheritance, in which adoption is an ordinary and essential incident. No article or stipulation in the treaty gave us the right to interfere with the operation of the Hindoo law, to mutilate it, or to substitute any other law of descent.

A singular feature in the inquiry which preceded the annexation of Jhansi in 1854, is the citation of Lord Metcalfe, both in the Note by the Secretary to

<sup>1</sup> Jhansi Blue-book, 1855, p 31

Government and in the Governor-General's Minute, as an authority for the prerogative of confirming or invalidating adoptions in dependent States, whereas his opinion, as may be very easily shown, was directly contradictory of that supposed Imperial right.

Lord Metcalfe, in reference to the Chiefs of Bundelcund, observes that there is a wide distinction to be drawn between "Sovereign Princes" and "Jagheer dars," between those in possession of hereditary Sovereignties in their own right, and those who hold grants of land or public revenue, by gift from a Sovereign or paramount power.

"Those who are Sovereign Princes in their own right and of the Hindoo religion, have by Hindoo law a right to adopt, to the exclusion of collateral heirs, or of the supposed revermatory right of the paramount power the latter in fact, in such cases, having no real existence, except in the case of absolute want of heirs and even then the right is only assumed in virtue of power for it would probably be more consistent with right that the people of the States so situated should elect a Sovereign for themselves.

"In the case therefore of Hindoo Sovereign Princes I should say that on failure of male heirs of the body they have a right to adopt, to the exclusion of collateral heirs and that the British Government is bound to acknowledge the adoption, provided that it be regular and not in violation of Hindoo law.

"With respect to chiefs who merely hold lands or enjoy public revenue under grants such as are issued by a Sovereign to a subject, the power which made the

grant, or that which by conquest or otherwise has succeeded to its rights, is certainly entitled to limit succession according to the limitations of the grant, which in general confines it to heirs male of the body, and consequently precludes adoption. In such cases, therefore, the power which granted, or the power standing in its place, would have a right to resume on failure of heirs male of the body."

It will be observed how restricted a right of resumption is allowed by Lord Metcalfe even in a case of Jagheerdars, he considers that the Sovereign only has the power of refusing to sanction adoptions, when "the terms of the grant limit succession to heirs male of the body." But although this paragraph is quoted by Lord Dalhousie in support of his argument for the annexation of Jhansi, it is obvious that it was intended to refer to a totally different class of possessions, and moreover even if Jhansi were reducible to the category of Jagheers or grants of land, there is no "limitation of the grant," confining its succession "to heirs male of the body."

But the Rajah of Jhansi was clearly not a Jagheerdar, nor did he, as erroneously stated several times in the late Governor-General's Minute, hold his Principality as a "grant," nor did either his father Sheo Rao Bhow, or his nephew Ramchund Rao receive it as a "gift" from the British Government.

For many years before the treaty of 1817, the authority and influence of the Court of Poona had almost entirely ceased in Bundelcund. Under these circumstances Sheo Rao Bhow was able to render us valuable

military assistance<sup>1</sup> and in 1804 while formally recognising the sovereign rights of the Peishwa, we made a treaty of "defensive alliance" with his nominal tributary the Soobadar of Jhansi. During the political supremacy of the Peishwas, all office, from the government of a Province to the charge of a garden, had a tendency to become hereditary. Mah ratta chieftains of much greater importance than the Soobadar of Jhansi were really proud of investiture by the Peishwa, were content to own his supremacy and were careful to avoid any open assertion of independence which would have thrown them into a dangerous position of political isolation. But they preserved all the substance of power and their hereditary rights were never in any one instance denied by the federal head.

The policy of the Peishwas was to preserve every old custom as far as possible intact, to respect practically every one's rights and rank but to leave all titles to possessions and to power in a state of vague uncertainty by which means they retained the semblance of supremacy over their most formidable rivals, and were always prepared to take advantage of disputed successions and other opportunities for extending their

<sup>1</sup> Soon after Captain Baillie's arrival in Bundelcund he received proposals from the Soobadar of Jhansi, who holds the fort of that name and its dependent districts under the nominal authority of the Peishwa. On the 4th of January the Soobadar of Jhansi arrived in the British camp.

"The troops of the Soobadar of Jhansi have since been employed in co-operating in the defence of Bundelcund and the adjoining districts. The example of the Soobadar has induced several other chiefs in that quarter to place themselves under the protection of the British Government." Despatch of the Governor General in Council to the Secret Committee April 1801; Marquis Wellesley's Despatches vol. v p. 92.

substantial authority or for obtaining pecuniary contributions In fact the Mahratta confederation, in the period of its greatest unity and coherence, was kept together by a system of compromises and formalities. The Peishwa's own authority constituted the greatest paradox of all, since he professed to act as the first minister and obedient servant of the Rajah of Sattara, whom he kept in close confinement But in 1817, these anomalies were to disappear by the treaty of Poona the Peishwa Bajee Rao renounced his "former situation as Executive head of the Mahratta Empire," and transferred his "interests and pretensions in Bundelcund," to the British Government<sup>1</sup> And while the Peishwa's policy had been to leave the rank and the rights of all in a state of uncertainty, our policy was to define and fix carefully and exactly the rights and privileges of each Prince, and his relations with the paramount power A new treaty was therefore made with the Soobadar of Jhansi, by which the political supremacy of the British Government was enforced, while the sovereign rights and actual possessions of the Soobadar were secured to him and his family We constituted him "the hereditary ruler" of Jhansi, confirming the territory "in perpetuity" to him, "his heirs, and successors," but not in any article or in any expression assuming or pretending to make a gift or a grant, to cede to him or to confer upon him that territory, the possession and government of which had previously been enjoyed by his grand-uncle and his grandfather, to the latter of whom he had himself succeeded, while yet under the nominal supremacy of the Peishwa

<sup>1</sup> Volume of Treaties, pp 273, 275

On the condition of his continued faithful alliance and subordinate co-operation, we offered him a higher status and a better security than he had inherited as a tributary of the Peshwa. Under the Peshwa's supremacy the hereditary tenure of Jhansi was never denied, but it was unguaranteed, and was subject to the payment of an indefinite nuzzur for investiture, the Soobadar's authority was supreme in his own territory but his obligations and allegiance were undefined and though his dependence had for many years been little more than nominal, political changes might at any time have brought him into more strict subordination, and exposed him to heavy exactions.

I am very far therefore, from asserting that the two States came to terms as two States of equal power and dignity that no concession was made by the British Government or that no superiority was acknowledged by the ruler of Jhansi. On the contrary in the preamble to the treaty of 1817 the former position of Ramchund Rao and his predecessors as tributaries of the Peshwa, and the transfer of that Sovereign's rights to the British Government, are expressly mentioned. But in that same preamble and in the 2nd, 3rd, 4th and 7th Articles the parties to the treaty are specified as "the British Government" and "the Jhansi Government, and as the two Governments." Is the form, is the style of this document<sup>1</sup> that of a grant, such as is issued by a Sovereign to a subject?

Lord Dalhousie in his Minute, paragraph 6 declares that Jhansi<sup>2</sup> was held by a Chief under very recent

<sup>1</sup> Jhansi Blue-book p. 22.

<sup>2</sup> Ditta, p. 20

grant from the British Government as Sovereign," and in paragraph 12, "under a grant such as is issued by a Sovereign to a subject," but I think that I have already adduced sufficient proof that this view of the question is incorrect. The preamble and the first Article of the treaty of 1817, prove that the first treaty of 1804 was in full force during the first three years of Ramchund Rao's reign, and that a new treaty was only concluded "*in consequence*" of our altered relations with the Peishwa. There was no gift, because Ramchund Rao was already in possession, there was no pretension to the relations of Sovereign and subject, for there already existed relations of amity and defensive alliance, there was no grant made, no sunnud issued, but a new treaty was concluded between two States. The Rajah of Jhansi was not a Jagheerdar, but a "hereditary ruler," a Hindoo Prince.

There are still two statements contained in the late Governor-General's Minute on Jhansi, which require notice. The first is contained in the following sentence of paragraph 7<sup>1</sup>—"The chief thus made hereditary, retained however *his inferior position*, and was not named a *Rajah* until 1832." Now it may be true that the title of Soobadar or Rais<sup>2</sup> is inferior to that of Rajah, just as that of Grand Duke or Elector is inferior to that of King, but the inferior title involves no inferiority in sovereign power or hereditary right,

<sup>1</sup> Jhansi Blue book, p 21

<sup>2</sup> The original and proper meaning of Soobadar is a Provincial Governor, Rais, an Arabic title, has from a very early period of Mussulman supremacy been applied to a large number of territorial magnates, of diverse rank and political position, the term is still officially used by our Government, and is usually translated "chief-tain."

while I presume Lord Dalhousie did not wish to imply that the superior title and insignia conferred upon Rao Ramchund by Lord William Bentinck in 1832, invested him with any new authority or privilege or immunity or rendered him less dependent on the paramount and protecting State. The observation appears, therefore, to be irrelevant to the point at issue.

The hereditary rights of the Rajahs of Jhansi were guaranteed by the treaty of 1817 without reference to their titles or insignia, and that treaty contained no clause or expression restricting the ordinary operation of Hindoo law or giving any right of confirmation or investiture to the British Government. Scindia, Holkar and the Guicowar were originally Soobadars and feudatories of the Peishwa their personal and hereditary rights before the year 1817 differed in no respect from those of the Soobadar of Jhansi their virtual independence rested only on their great military strength and political influence and their present undisputed rank as Sovereign Princes rests upon the same foundation as did that of the Rajah of Jhansi,—their treaties with the British Government. The Peishwa, before the year 1817 had never acknowledged their independence or the right of their heirs to succeed without his investiture, nor had they ever openly made any such pretensions.<sup>1</sup> It may also be

<sup>1</sup> Marquis Wellesley's Despatches vol. iv p. 101

Governor General to Secret Committee of 13th July 1804,  
para. 93.

"Dowlat Rao Scindia expressed great anxiety for the introduction of a stipulation by which the British Government should engage to employ its influence in securing from the Peishwa in favour of Dowlat Rao Scindia that treatment and consideration which was due to Dowlat Rao Scindia's rank, and was consistent with usage."

remarked that the only titles borne by the independent ruler of Hyderabad are those of Nizam-ool-Mook, conferred upon his ancestor while he was merely a Minister at Delhi, and of Soobadar of the Deccan ; and it is well known that nothing could induce that Sovereign to accept or assume the title of King

The second error is of very much greater importance, and is four times repeated .—in the last sentence of paragraph 7 it is said,—“In 1835 Rao Ramchund died. *Although he had adopted a boy as his successor the day before his death,* the adoption was not recognised , and his uncle, Rugonath Rao was declared Rajah ”<sup>1</sup>—again in paragraph 11, “There is no need of and no room for argument on this head The historical facts on record negative the Ranees assertion conclusively , *for Rao Ramchund did adopt a boy, but the British Government did not acknowledge the boy as successor,* and it nominated another person to be Rajah ”<sup>2</sup> In paragraph 12 it is stated that “*a previous adoption by a Rajah whom the British Government constituted hereditary chief of Jhansi, was not acknowledged by the British Government*” And in the last sentence of the same paragraph “*the existence of a precedent*” for refusing to sanction adoption, is asserted.

Lord Dalhousie assumes that Rao Ramchund did

Dowlut Rao Scindia also expressed an earnest desire that his right to countries, which he held under grant from the Peishwa, and of which he had taken possession, in consequence of orders from His Highness, should be recognised in the treaty of defensive alliance, and that the British Government would employ its endeavours to prevent the subversion of any acts of Dowlut Rao Scindia or his ancestors, under the authority reposed in him or them by the Peishwa ”

<sup>1</sup> Jhansi Blue book, p 21.

<sup>2</sup> Ditto, p 22

undoubtedly adopt a son before his death, and that the British Government on that occasion exercised the prerogative of forbidding to recognise the adoption. The facts are very different.

There was a disputed succession in 1835 there were four claimants. *The fact of the adoption was denied* by the adverse parties In the note on Jhansi by the Secretary to Government, the decision in 1835 is thus described<sup>1</sup>— On this occasion the lawful heir by blood, descended of the body of Sheo Ram Bhow was recognised as successor to the Raj to the disallowance of a boy alleged to have been adopted, or nominated as successor by the late Rajah the day before his death, who if adopted would have been unquestionably the heir to any property of his adoptive father to the exclusion of the uncle and this was done without inquiry into the fact of adoption or nomination (which was doubtful) as though it was an immaterial circumstance.

It is to be observed, therefore, that in 1835 the adoption or nomination was doubtful in 1833 the adoption was not doubtful, or in the slightest degree irregular or suspicious, but was effected in strict accordance with Hindoo law and in the presence of British officers, and was officially reported to Government in writing by the dying Rajah. There is no parallel here no precedent can be founded on the decision of 1835

The settlement of 1835 was either right or wrong. If right,—on account of the adoption having been irregular or doubtful,—then no precedent is arrived

<sup>1</sup> Jhansi Blue-book, p. 18

at If wrong, then the fact of a wrong having been done once is no reason that it should be done again But whether the settlement was right or wrong, it was not a succession decided by our Government, and it is certain that on the death of Rao Ramchund no conclusion as to the power of annulling adoptions was promulgated, for the question was not discussed, not merely because the "alleged adoption" was disputed and doubtful, but because no one in those days had ever thought of claiming that power for our Government, and because on this particular occasion our Government declined to interfere at all.

The fact of an adoption in 1835 not having been proved or admitted, there would have been no ground or motive for exercising the supposed prerogative of confirmation or rejection, even if that pretension had then existed. But it was not in existence, nor had it ever been asserted or alluded to Therefore in 1853 there was no precedent in existence to cast a doubt upon the right of the Rajah of Jhansi to adopt a son and heir, a right enjoyed by him in common with all Hindoos, but especially removed from our interference by treaties which clearly defined the relations between "the two governments," and which gave no right of resumption or even of investiture to the paramount power

The fact is, that the settlement of 1835 was not a<sup>v</sup> decision of our Government at all, but that of a certain party in the Jhansi Durbar The only decision at which our Government arrived was the decision of not deciding, interposing, or even advising in the dispute The Political Agent was authorised to recog-

nise Ragonath Rao the deceased Rajah's uncle, who was in actual possession, but no opinion was given as to his right, and these qualifying expressions were added,— It being presumed that he is able to establish his authority and that his succession will be acknowledged by disinterested parties at Jhansi."<sup>1</sup>

The law of adoption has often been evaded by ambitious relatives, and misunderstood by British authorities. The most remarkable instance of this on record is perhaps that of the Holkar succession in 1834 when the widow of the deceased Rajah having regularly adopted a boy who had been approved and selected by her husband before his death, and of the same tribe and lineage, — only three degrees removed from Tookajee Holkar — the Governor-General, Lord William Bentick, declined to sanction or support the adoption, to allow the British Resident to be present at the installation, or to confer the usual khilat of honour upon the young Rajah. The reason assigned for deeming it "proper and expedient on this occasion to preserve the principle of non interference, was that there were two other possible claimants.

"There would appear —the Secretary to Government writes to the Resident at Indore,— to be three individuals whose pretensions to the sovereignty might be alleged with some colour of right, namely Hurree Holkar the cousin of the late Maharnjah the infant born subsequently to his death and the adopted son. His Lordship in Council is not prepared to pronounce upon the relative superiority of these claims. The decision may fairly be left to the voice of the country

<sup>1</sup> Jhansi Blue-book, p. 17

and our duty will be to maintain whatever arrangement may appear to be unequivocally consonant to the general wish”<sup>1</sup>

It can hardly be said that there was a disputed succession at all, until ambitious hopes were excited by our cold and unfavourable demeanour. The ceremonies of adoption and installation were performed with the concurrence of all the members of the family and ministers of state at the capital, and but for the significant absence of the Resident from the Palace on both occasions, and his undisguised avowal of non-interference, the partisans of Hurree Rao Holkar,—who eventually succeeded by a skilful and daring enterprise in placing him on the musnud,—would never have dared to mention their candidate’s name.

There can be no doubt that the adopted son was the rightful successor—the posthumous son was illegitimate and Hurree Rao Holkar, a collateral relation of the deceased Rajah, had no claim whatever. This was exactly the case in which our Government ought to have interfered decisively and effectually, and to have settled the succession, not as Suzerain investing a feudatory, for the terms of our treaties with the Holkar Rajahs do not admit of such a relation, but simply as the *de facto* paramount power, the power most interested in the public peace not being disturbed, the most disinterested and unconcerned as to all the personal, private, and individual questions depending on the succession, and the most capable of preserving peace and enforcing submission to its award. The duty of deciding in doubtful and disputed suc-

<sup>1</sup> Succession by Adoption, p. 49

cession is a moral and not a legal duty imposed upon us by our actual position and immense material strength. In the case just referred to this duty was certainly neglected and in consequence of this neglect the lawful heir was excluded.

We were certainly wrong in declining to interfere in favour of Mulhar Rao Holkar's adopted son at Indore in 1834. I believe that we were equally wrong in not maintaining the right of Ramchund Rao's nephew and adopted son at Jhansi in 1835. I am not so firmly convinced of the injustice in this latter instance, because the circumstances are not so clearly detailed in the published papers, while the fact and the validity of the adoption were certainly challenged and impugned at the time. But on both occasions our duty as the great protecting and pacificating state of India was clear and on both occasions our refusal of that duty led to manifest injustice, to a system of intrigue and passive opposition under which good administration became impossible, and at Indore to a series of disturbances, culminating in "a murderous attack on Hurree Rao Holkar's palace and to scenes of bloodshed and disorder" <sup>1</sup> which were only dispelled at last by our decided and peremptory interference, backed by a display of troops. Thus having begun by declining "to pronounce upon the relative superiority" of the several claims to the musnud, and having left the question to be settled by "the voice of the country" and "the general wish," Lord William Bentinck was doomed to see an attempt made to settle the question by a general rush and scramble,

<sup>1</sup> Succession by Adoption pp. 70, 71, 75

having declared for scrupulous non-interference, he found himself compelled to interfere with all the power of the British Empire, and to support the usurping party which had the upper hand for the moment, and was in possession of the capital and Palace. It was truly said by Sir George Clerk, the late Governor of Bombay, that "the inconsistency, caprice, and mutability of our opinions regarding all great principles, is the bane of our supremacy in India."

In 1825, during the siege of Bhurtpore by Lord Combermere, great excitement prevailed throughout Central India, a rebel chief named Nana Pundit, who had taken the field originally as a pretender to the musnud of Jaloun, had collected a considerable force and was threatening a descent upon the British town of Calpee. The Rajah of Jhansi, at the request of Mr Ainslie, the Political Agent, immediately sent off 400 sowars, 1,000 foot-soldiers and a few artillery-men with two guns, who arrived in time to save Calpee from being plundered, and restored general confidence to the people of the district.

This was the last important military service rendered to our Government by the ruler of Jhansi, and was expressly referred to by the Governor-General, Lord William Bentinck, in the highest terms of commendation and gratitude, when at a great durbar, held in the Palace at Jhansi on the 19th December, 1832, he conferred upon Ramchund Rao the title of Maharaja Dhiraj, and invested him with the royal insignia of the "nakkaia" and "chowar,"<sup>1</sup> on which occasion the

<sup>1</sup> The kettle-drum, and the fly-flapper made of the yak's tail

Rajah asked and obtained permission to adopt the British flag, and to append to his titles the addition of "Fidwee Badshah Janujah Englistan, —devoted servant of the glorious King of England. Major Mal colm, the Political Agent, reporting in 1854 on the Ranees appeal, observes — The Ranees does not, I believe, in the slightest degree over-estimate the fidelity and loyalty all along evinced by the State of Jhansi towards our Government under circumstances of considerable temptation, before our power had arrived at that commanding position which it has since attained.<sup>1</sup>

The treaty being totally disregarded by Lord Dalhousie, or rather transformed by his vigorous fancy into a sunnud or "grant from a sovereign to a subject," it may well be supposed that he passed over all these minor ties and sanctions with contemptuous neglect.

For the last time, then, the Rajah of Jhansi's troops crossed the frontier and appeared at Calpee, in co-operation with those of the British Government, in 1825. But in 1858 we again hear of a Ranees of Jhansi in person with her troops at that same town of Calpee,—not, however this time in co-operation with the Government, but in rebellion against it. Driven by Sir Hugh Rose from the Fort of Jhansi, where those horrible atrocities were committed which were but numerically exceeded by those of Cawnpore she was defeated by the same General at Calpee, joined Tantia Topee in his successful attack on Gwalior and was killed in the action near that city at Kote-ka

<sup>1</sup> Jhansi Blue book p. 21.

serai on the 16th June 1858 By all accounts she was the life and soul of the most formidable rebel army that ever was raised in India

In 1854 Major Malcolm, the Political Agent, reported that this same Ranees,—who would have been Regent during her son's minority,—was "highly respected and esteemed, and fully capable of doing justice to this charge,"—the regency,—“a lady of very high character, and much respected by every one at Jhansi.”<sup>1</sup> Four years had scarcely elapsed since the annexation, when she fell in the front of battle, branded with fifty murders

<sup>1</sup> Jhansi Blue-book, pp 7 and 28.

## LETTER IX

## THE BRONSLA FUND

Madras, December 21st, 1862.

In an article entitled "The Cinderella of the Empire, the *Friend of India* of the 4th of this month gives some remarks upon the finances of the Central Provinces,<sup>1</sup> and upon the general plan and scope of Mr Temple's Administration Report for 1861-62 the first since the annexation of Nagpore in 1854. Of course, when the *Friend* ventures among figures, and when he is tempted to touch upon Lord Dalhousie's political morality he gets, as usual, into a mess, and one or two of his errors are so monstrous in scope and so calculated to mislead that, at the risk of being drawn into a very long dissertation, I feel bound to correct them with the least possible delay.

The *Friend* says — "Twenty-five per cent. of the

<sup>1</sup> The Central Provinces were formed, under a Government Resolution of 2nd November 1861 by joining the Nagpore annexed Provinces to the Saugor and Nerbudda Territories, formerly part of the Nagpore dominions, and ceded to us in 1818. Sumbulpore and some other districts, which were also old dependences of Nagpore were added by a Government Resolution of 30th April 1862. The Central Provinces are administered on the Non Regulation system by a chief Commissioner in immediate subordination to the Governor General in Council.

revenues of Nagpore is devoted to the support of the one family of the Bhonslas. Not less than £100,000 are annually given to some 2158 pensioners, while we lately conferred on Janojee Rajah the lands of Deoor, near Sattara."

The *Friend* concludes with these words—"We do not grumble at the expense, which was politically necessary, but what a commentary is this, *as well as the Bhonsla Fund*, on the charges brought against Lord Dalhousie of ruthlessly despoiling an ancient family!" This is a very imprudent allusion on the part of Lord Dalhousie's advocate. Does he really know what this Fund is? The Bhonsla Fund simply represents the proceeds of the auction sales of the jewels, clothes, and other private moveables of the Bhonsla family, including the spoons, plate, and crockery-ware purchased for about £3000, and kept by the Rajah to furnish forth the entertainments which he occasionally gave to the English society at Nagpore and Kamptee. The heirlooms of the family, ancient jewels and choice arms, which had belonged to Janojee Bhonsla's ancestors many years before the sovereignty of Nagpore was acquired, the late Rajah's new and favourite English fowling-pieces and rifles, the clocks and watches that were found in his sleeping apartment, the musnud of state, the wardrobe, and, it is said, the very bedding on which the Prince expired, everything that was saleable,—the Ranee's own personal jewels, and the necessary furniture of the palace excepted,—all went to the hammer. The Rajah's savings during twenty-five years of power, a poor eight lakhs of rupees,<sup>1</sup> were hunted out, ex-

<sup>1</sup> £80,000.

tracted by gentle persuasion from the strong boxes in the Nagpore zenana, and went to swell the *Bhonsla Fund*.

In the following sentence (section 366 of Mr Temple's Report) the origin of this Fund is described — The Government had deemed that if the State jewels, treasure, and household paraphernalia of the late Rajah, were left to the control of the family and dependants, this valuable property would be wasted, or irregularly disposed of. It was therefore determined that all these effects should be collected, and their value realised. The proceeds were to constitute a deposit in the hands of the British Government, to be termed the *Bhonsla Fund*, for the benefit and support of the Bhonsla family. The realised proceeds of the property according to accounts finally closed, amount to twenty lakhs of rupees and that sum constitutes the *Bhonsla Fund*."

In this passage he calls the Fund "a deposit in another upon which I shall have to make a few observations, he claims it as a *set off*" to the expense of pensioning the family and retainers of the late Rajah of Nagpore. Mr Temple calculates the present amount of the *Bhonsla Fund* at twenty lakhs, while I shall constantly state it at twenty-seven lakhs of rupees. The difference between the two sums is caused by his having deducted about seven lakhs on account of the payment, in the year 1854 of certain arrears and debts of the Khasgee establishment a deduction which, for reasons to be shortly explained, I must distinctly decline to allow.

The description here given by Mr Temple, of the

motives which induced the Government to lay its hands upon the private treasure and moveable goods in the Nagpore Palace, are substantially the same as those put forward at the time by Lord Dalhousie, who said that this property should "not be given up to be *appropriated and squandered by the Ranees*"<sup>1</sup> Now, I must remark, that there really was no question of *giving up* anything to the Ranees; all the property was in their possession, not in ours. Merely verbal criticism would be quite out of place when a matter of right is being discussed, but no such trifling point is in question here. A great principle is involved, and the evidence as to the nature of the property must depend in a great measure on its receptacle and on its custody. The property could not possibly have been *given up* by us, because we were eventually compelled to make a forcible entry, and to take it away from the Ranees, not, as I shall show, without remonstrance and resistance. But not only was the property in the possession of the Ranees and not of the Government, but it never had even been in the possession, or entered in the accounts, of the Mahratta Government. It was Rajah Rughojee Bhonsla's private wealth a great part of it was kept, and had been kept for years,—*concealed*, according to Colonel Elliot and Lord Dalhousie's phraseology,—in certain apartments of the zenana, from which the ladies had to be turned out, before our officials could touch it.

The late Rajah, as head of the Bhonsla family, possessed private property, both real and personal. The ancient estates of the family,—jagheers, inams, and

<sup>1</sup> Annexation of Berar, 1856, p 10

simple patelships,—were all situated beyond the limits of the Raj in the zillahs of Poonah, Sattara, Ahmednugger and Sholapore, and in the Nizam's territory. A great part of them had belonged to his ancestors before they attained to sovereign rank. There ought to have been no doubt, therefore, that these estates were strictly of the nature of private property. Lord Dalhousie, however and his nominee, the Commissioner of Nagpore in 1854 took a very different view of the case. They were of opinion that the estates lapsed with the Principality. It is a singular fact, that the ancient Wuttundarees of the Bhonslas were only saved from forming an addition to Mr Temple's "set-off," by the Bombay Inam Commissioner Captain Cowper whose proceedings, for once at least, one is glad to be able to approve. He decided that the deceased Rajah did not hold these estates as part of his sovereignty but as private property and that under the ordinary rules, the estates would fall to his widow for her life. At this time, the adopted son was completely ignored. Accordingly after a sequestration of about three years, all the Wuttundarees, which had been in charge of the Collectors of the several districts were handed over with the accumulated rents, to the agents appointed by the Ranees to receive them.

The estates remained in the widow's possession until 1860 when Lord Canning having, as a partial and very imperfect reparation to the Bhonslas, recognised Janojee Bhonsla as the head of the family the lands were transferred to him, with the remnants of the private moveable property that had escaped Lord Dalhousie's auctions. In the notification of his title

of Rajah Bahadur of Deoor, in the Calcutta *Gazette*, Lord Canning, certainly with no intention of insult or offence, designated the grandnephew and adopted son of our faithful ally as "the adopted son of the widow of the late ruler of Nagpore," an impossible relationship according to Hindoo law, a solecism in legal phraseology, and colloquially about as contemptuous and offensive a designation in India as "son of a priest" is in Italy<sup>1</sup>. Of course, Lord Canning's object was to avoid the appearance of conceding or acknowledging Janojee Bhonsla's direct heredity to the late Rajah, Rughoojee the 31st. But the evasion is as ineffectual as the mode of expression was ungracious. The Government having recognised this young Prince as the representative of the Bhonsla family, and having at last permitted him to succeed to the ancient family estates, it was a puerile contradiction to call him "the widow's son," with no ostensible father at all. If he be correctly described as "the adopted son of the widow of the late ruler of Nagpore," then he is the son of the late ruler also, unless we are to assail the honour of this lady, and that without any great refinement or subtlety of allusion. By the Hindoo law the ceremony of adoption severs the relationship between Janojee and his "natural father," the widow's late husband taking the place of the latter. An un-

<sup>1</sup> The notification runs as follows — "No 1,115 Camp Hoshiarpur, the 30th March 1860 —

"His Excellency the Viceroy and Governor General has been pleased to confer on Janojee Bhonsla, the adopted son of the widow of the late Ruler of Nagpore, the title of 'Raja Bahadur of Deor,' in the district of Sattara, in recognition of the loyal conduct of the family during the rebellion, and of the faithful attachment of the late Banka Baee to the British Government."

married woman cannot adopt a son, nor can any woman but a widow and the child is not adopted to remove the reproach of barrenness from her but its spiritual evils from her deceased husband. If the adopted son be not the son of the deceased husband then is he not the widow's son? Vanashtha says —“A son given is the child not of his adoptive mother but of his adoptive father (Colebrooke's Digest, vol. iii, p. 254)

But Lord Canning seems to have argued thus — If Janojee Bhonsla be the Rajah's son then is he his heir and ought to be his successor. The treaty was made with the Bhonsla, his heirs and successors and an admission that this young Prince is the adopted son of the Bhonsla, is an admission that in annexing Nagpore we have robbed him of his inheritance. Therefore we must never admit that he is anything but the widow's son.” Now nothing can be easier than to perceive that this sorry evasion is of no effect. The adopted son of the Rajah's widow is, by Hindoo law and custom, either the Rajah's son and heir or else he is the offspring of the most degrading species of illegitimacy which would completely disqualify him from succeeding to the family estates, and which most certainly Lord Canning never intended to impute to Rajah Janojee Bhonsla. There stands the dilemma, quite unassailable by any weapon in the Calcutta Foreign Office or in any store-house of Hindoo law and there it will remain—a moral, legal, and political paradox—until, as I hope, obliterated for ever by a royal restitution.

When Janojee Bhonsla was officially recognised by

Lord Canning in 1860 as "the adopted son of the widow," and the head of the Bhonsla family, the estates were transferred to him. The *Friend of India*, implicitly following Mr Temple's statement, speaks of a grant of the estates to Rajah Janojee. It is very true that the Governor-General issued a fresh sunnud on the occasion in Janojee's name, and I am glad to say that this sunnud concedes the future right of adoption without reserve. The Governor-General, under the embarrassing circumstances of this partial restitution, naturally strove to give it the air of an act of grace, but the Bhonsla family cannot be expected to admit that it was anything of the sort. Indeed, as Mr Temple himself allows that the estates had been in their hereditary possession "for 125 years," I think the *Friend* ought to have understood that this transfer from the widow to the young Rajah did not really amount to a new grant. But several of these estates had been in their hereditary possession for a very much longer period than 125 years.

The jaghire of Deoor near Sattara, the most ancient Wuttun of the Bhonslas, having been theirs from time immemorial, was re-granted to them by the Adil Shahee King of Beejapoor, upwards of three hundred years ago; was confirmed to them by Aurungzebe's sunnud about the end of the 17th century, constituting the head of the family a Munsubdar of the Empire, and has remained uninterruptedly in the possession of the family ever since. It was their private estate, for at least two centuries before they fought their way to sovereign rank, and though the application of Lord

Dalhousie's leading dogma,—that a treaty with the British Government works silently such a corruption of blood in heathen families, that none but a lineal descendant can succeed without the permission of their Christian friend and ally,—forbade the succession of the late Rajah's grand nephew and heir Janojee Bhonsla, to the sovereignty and the bare mention of his name at Nagpore under heavy penalties, still the old Wnttundaree estates including that of Deoor were after a short inquiry transferred by the Bombay Inam Commission to the late Rajah's widow. Even Captain Cowper could not pick a flaw in the Bhonsla's title. Though the statement, therefore, may be technically correct, a true impression is not produced when the estates are said to have been lately conferred on Janojee Bhonsla."

Let us now inquire how the personal property was disposed of. Upon the death of the late Rajah the government of the Nagpore country was conducted by Mr Mansel, the Resident, with the counsel and assistance of three of the principal noblemen of the State. When the decree of annexation went forth from Calcutta, he was appointed Commissioner but was almost immediately removed by Lord Dalhousie for having recommended that the adopted son should be recognised as titular Rajah, and should be allowed six lakhs of rupees per annum, while the province should be kept under British management. On the question of the sovereignty Mr Mansel unfortunately despatched his report after so long a delay and evinced so dim an appreciation of the absolute rights of the Rajah's heir that his recommendation, based on grounds of prudence

and general policy, had no effect but that of causing his own censure and removal. But on the question of the family property he spoke with no such uncertain tone

"The private treasure," said Mr Mansel, "about twenty lakhs of Nagpore rupees, the jewels, said to be from fifty to seventy-five lakhs of Nagpore rupees in value (but I shall be pleased if on sale they yield the half of the former sum), and the household property, not above a lakh in value, I would propose to leave with the family, to be disposed of by them in such way as was most agreeable to their feelings, and would be generally approved of by the courtiers and the native public. I apprehend that the general desire would be to throw the whole or the main part of the effects into a family fund, to be held by one representative, just as would be done in England in an entailed property, subordinate interests being provided for by a settlement. The right of the family by the female branch seems to me clearly quite as strong as by the male, to everything but the possession of sovereign power."<sup>1</sup>

Lord Dalhousie disagreed as completely with Mr Mansel with regard to the Rajah's personal property as he did on the question of the titular sovereignty. He decreed that it should not be "given up to be appropriated and squandered by the Ranees," but that "it should not be alienated from the family," and that "jewels and furniture, and other personal

<sup>1</sup> Letter from C G Mansel, Esq., to Secretary to Government, dated 29th April 1854 (Parly Papers, Annexation of Berar, 1850, p 8)

property suitable to their rank, having been allotted to the Ranees, the value of the rest of the jewels, &c. should be realised, and that the proceeds should be constituted a fund *for the benefit of the Bhonsla family*. So far we might set down the Governor General's plan as a somewhat arbitrary and irregular interference, but still as decidedly paternal in its object. But the next sentence undeceives us. "As the Commissioner seems to think that the value likely to be realised has been over-estimated, the Government should be prepared to *make up any sums that may be wanting to afford adequate stipends to the family*"<sup>1</sup>

The private personal property of the Bhonsla family computed by Mr Mansel at some fifty-five or sixty lakhs of rupees, was thus declared to be the first source from which the Ranees life-annuities were to be supplied, and it was only in case of any deficiency that the annexing Government was to be called upon to bear any part of the expense. In short, their private property is sequestrated and sold, to provide the public stipends granted as compensation for the loss of their sovereignty, their capital is confiscated, their valuables sold by auction, and life-annuities are conferred upon them out of the proceeds! But not only is this process not to be called "spoliation," but we are told that it is not even "alienation" of property. And the Friend evidently considers it as a crucial instance of Lord Dalhousie's liberality!

Setting aside for the moment the utter iniquity of the annexation, and assuming that there was a genuine lapse for want of an heir capable of reigning, I find it

<sup>1</sup> Parliamentary Papers, Annexation of Berar 1856 p. 10

very difficult to trace the process of reasoning, by which Lord Dalhousie and the Court of Directors contrived to persuade themselves that the immediate family of a friendly Sovereign whose territory we had annexed, were not entitled to the custody and management of their own private property, but were entitled only to a life-interest in such a proportion of it as the annexing Government chose to consider sufficient for their maintenance. Most people, I think, would on mature consideration decide, that the intrusive power was bound in honour and in justice to provide from its own revenues, augmented as they were by the revenue of the new acquisition, an adequate and becoming income for the representatives of the ejected dynasty, for those members of the royal family who had formerly depended upon the Civil List of the Sovereign. Most people would come to the conclusion, that even if the representatives of the friendly dynasty were, or were assumed to be, merely the widows of the last Sovereign, the obligation to provide for them would remain equally strong. And this being granted, it appears by no means equitable that the whole, or any part, of this provision should be derived from the confiscated personal property of the deceased Sovereign. Nor does it appear equitable that any part of the family property should be applied, as was done under Lord Dalhousie's orders, to the payment of the debts of the Khasgee or household. For let us suppose, that instead of leaving property valued at fifty lakhs of rupees, and which, notwithstanding all the disadvantage of a forced sale by auction, actually realised twenty-seven lakhs,<sup>1</sup> the Rajah of Nagpore had

<sup>1</sup> £270,000.

dissipated the whole of the family property before his death, and had left a mass of debts in every public department, and among others in the royal household, or Khasgee establishment. Would the British Government have appropriated the public revenue, and repudiated the public responsibilities? Would Lord Dalhousie and the Honourable Court have declared that in consequence of the insolvency or very small value, of the Rajah's private estate the Ranees and other inmates of the palace were entitled to no public provision whatever and that the Khasgee debts must be left unpaid for want of private treasure? I know not. The Ranees' stipends could not have been stopped, or diminished, to cover the debts of the abolished household. The Ranees were not in the slightest degree interested in the bygone expenditure of the Palace nor could they be held responsible for the financial state of a royal establishment over which they never had the slightest control.

The Khasgee establishment was the Rajah's royal household. It was just as much a public department of the State, as the Rajah's army and we might as fairly have paid the military arrears out of the private treasure, as the arrears of the household. The expenses of the Khasgee establishment during the Rajah's life were defrayed from what may be called his Civil List or that share of the public revenue which, from ancient custom, with the advice of his ministers and of the Resident, was allotted for the support of the royal dignity. On the annexation, this Civil List was withheld. The debts of the Khasgee were contracted on the credit of the Rajah's Civil List, the usual

monthly payments of which our Government stopped in that department after the annexation, and appropriated as part of the public revenue, in whatever way it pleased. Having appropriated the Civil List, we were bound to accept its liabilities in full. The debts of the Khasgee were not contracted on the credit of the Rajah's private property. There were large receipts and disbursements constantly going on in the Rajah's private treasury, but these were not entered in the public accounts of the household, but in certain private accounts which have never been surrendered or submitted to the British authorities. The Governor General however had no misgivings on the subject. He says, that the property is "fairly at the disposal of Government," and that it is "justly available for the payment of arrears due to the Khasgee establishment" (p 31) So long as Lord Dalhousie confined himself to a mere general assumption of this property being "fairly at the disposal of Government," with a vague assurance that it shall be used "for the benefit of the Bhonsla family," the gross injustice and illegality of the whole transaction, may easily escape detection by the ordinary reader. But there are certain principal items of cash in the Bhonsla fund which he specifically claims for public purposes, with a certain show and pretence of equity, that enable us to come to closer quarters, and to prove by a thorough exposure of Lord Dalhousie's reckless assertions, that this violation of private property was totally without excuse.

At page 31 of the Parliamentary Papers of 1856, from which I have so often quoted, Colonel Elliot

makes the following "financial" proposal to the Secretary to Government at Calcutta —

"There appears to me no other mode of adjusting the heavy arrears due to the Khasgee establishment, but by making use of the treasure in the Palace, claimed by the Banks Bee and the other Ranees but undoubtedly the property of the late Rajah, and justly available, in my opinion, for the purpose indicated."

Now before noticing the cordial reception this extraordinary proposal met with at Calcutta, let us give a little passing attention to the singular coolness and off-hand contempt of those simple legal considerations, which had been constantly pressed upon him by the Ranees in every form,—verbally and in writing, in good Mahrattee and in bad English,—which Colonel Elliot manifesta. He places the claim to this treasure by the Ranees, and his own opinion that it was undoubtedly "the property of the late Rajah, in utter antagonism, as if the two propositions were incompatible, instead of being, as they are, essentially and inextricably interdependent. The Ranees did not claim the treasure in their possession, *in defiance* of Colonel Elliot's opinion that it was undoubtedly the late Rajah's property "they claimed it because it was the late Rajah's property They agree with Colonel Elliot as to the facts entirely instead of differing, as he seems to imply And Lord Dalhousie evidently saw this. He perceived that Colonel Elliot had not in the least helped him to a plea for appropriating the treasure. He therefore trusts to his own brilliant imagination and dashing rhetoric, and comments on Colonel Elliot's letter in the following terms —"There can

be no doubt that the accumulated treasure is available for this purpose. It was not private treasure, derived from private estates, or from personal sources of any kind. *It was public treasure hoarded by the Rajah*" What will Lord Dalhousie's apologists say when I assure them, on the best information, that it is notorious to every member of the late Rajah's family, to every Palace attendant, and to every native official in our employ at Nagpore, that this reckless assertion, made by Lord Dalhousie on no foundation whatever, unsupported even by Colonel Elliot's letter, was false in every particular? The private treasure was *not* "hoarded from the public revenue", it *was* derived from the Rajah's "private estates" and other "personal sources", no part of it had ever been kept in the public treasury, and not the least allusion to its existence, no trace of its origin or of its management, can be found in any part of the public accounts.

It might very fairly and properly have been saved—"hoarded," if you please—from the public revenue, and yet not have been any the less private property. The Rajah had a perfect right to save any part of his share of the revenue—of his Civil List or Privy Purse,—and to set it apart as a family fund not available for public purposes. But even this was not the case. Such was not the origin of this "hoard." To this day it is a source of exultation, and I will add of legitimate and honest exultation, among the old retainers of the Palace at Nagpore, that the Government has never been able to lay its hands upon the accounts relating to this private treasure, or to get any information on the subject, from the persons to whose de-

partment it belonged. But there is no great mystery as to the sources from which it was accumulated. It was derived from muzzars presented at festivals and state ceremonies, and on appointments to office, fines on household officers and servants the rents of the Wuttundaree estates, and of the Hoosoor Khasgee villages, or domains within the Nagpore territory and also from the profits of the Rajah's two banking establishments. In short a direct unqualified contradiction is given to Lord Dalhousie's unfounded assertions it was not "public treasure hoarded by the Rajah it was derived from private estates and personal sources."

But although I have thus glanced at the sources from whence these funds are known to have been derived, I cannot allow that we have, or ever had, any right to inquire into their origin, or to dictate, otherwise than judicially as to their disposal. The places where the treasure was deposited, the titles under which the accounts were kept, and the total absence of connection with the accounts of the public revenue point it out as strictly private property. It is quite evident from Colonel Elliot's own report, that he did not know what was the amount of the private treasure. Mr. Mansel had estimated it at about twenty lakhs, but he also speaks from mere rumour and without any official accounts before him. And no doubt Lord Dalhousie had his eye upon this splendid sum. But when the Rances had been turned out of their sleeping apartments, and Colonel Elliot's exploring party had completed their interesting labours, the private treasure was found to amount to only four lakhs and

a half of Nagpoore rupees, and twenty thousand gold mohurs, or altogether about eight lakhs of rupees. And these sums are regularly entered in the receipts of the Bhonsla fund.

This private treasure was kept,—“concealed,” according to our elegant political jargon,—in the Ranees’ sleeping apartments. It had always been kept there, and in no other place. A large sum, probably not exceeding a lakh and a half of rupees, was expended by the Ranees during the first two years of their widowhood, chiefly in advocating the cause of their adopted son. The Ranees have never been asked to account for these funds, for the simple reason that the British authorities have never had any data, any record whatever, on which to base a demand. Lord Dalhousie decided on taking the Zenana deposits, but the public books affording no clue to their existence or amount, he was obliged to take what he could get. The accounts of the receipts and disbursements of the private treasure were kept during the Rajah’s lifetime, and down to the date of its appropriation, not by any public official, but by certain special personal attendants of the zenana. These accounts, it is said, would prove to a demonstration, if there were any excuse for such an inquiry, that the private treasure was private family property. We had no right to touch that money, those jewels, those clothes, or those spoons. So long as a rupee of “the Bhonsla deposit” remains in our possession, there will be a blot upon the royal scutcheon of Great Britain, and Rajah Janojee Bhonsla will be a pecuniary creditor of the Queen. He may not be a troublesome or importunate

creditor but the debt is a debt of honour and the Queen must not be a defaulter. The appropriation of the property was a most scandalous outrage and the moral discredit and political dishonour entailed by it on our Government, and the profound disgust excited by it in many parts of India besides Nagpore, can hardly be exaggerated and certainly ought not to be lightly regarded.

Mr Temple himself tells us (section 366 of the Report) that "the only attempt at disturbance, in consequence of measures connected with the annexation, was that which occurred in 1855" \* \* \*

"When the State property was given up an unsuccessful attempt at disturbance was made by the palace retainers, and a Reverend Missionary (mistaken apparently for an officer) was maltreated by the mob. But on referring to the Parliamentary Papers of 1856 on the Annexation of Berar we find that the disturbance was of a more serious character than would appear from Mr Temple's cursory notice. Colonel Elliot's despatch of 3rd November 1854 (page 32, Parliamentary Papers, 1856) states that there was great excitement in the city that he was obliged to employ "a detachment of 500 men on this gallant expedition, and to have a heavy gun equipped and got ready in case of being needed." An express was also sent off to Kamptee to reinforce Seestabuldee with a corps of infantry with cavalry and guns. And after expressing his acknowledgments to the military authorities for the promptitude with which his

<sup>1</sup> A mistake for 1854; the occurrence took place on the 11th October 1851.

requisitions were complied with, and for those "admirable arrangements which soon showed the evil-disposed the utter folly of all opposition," he adds, that "had there been any delay, the consequences might have been most serious" Not only was Mr Hislop, the Free Church Missionary,—being mistaken for one of the officers engaged in this conveyancing business,—ill-treated by the mob, but a person named Jamal-ood-deen, "the native official employed on the part of this Government, was maltreated, assaulted, and wounded" (p 36), or, as Colonel Elliot explains more fully in his first report of the disturbance, refused admittance to the apartments where the jewels and treasure were kept, compelled to "retrace his steps by the way he had come," and "on reaching the outer gate of the palace he was hustled, his palanquin destroyed, and himself beaten," while "the guards on duty, if not assisting," looked on without interfering, and enjoyed the fun (Parliamentary Papers, 1856, p 32)

These little incidents clearly indicate the general effect produced, and the popular feeling excited, by the paternal exertions of Lord Dalhousie's administration to prevent the Ranees from squandering their substance In the same Parliamentary return we find several letters and short notes from the Ranees to the Commissioner, raising very strong and reasonable objections, couched in very bad English, against the summary confiscation of their property, and protesting against it, "in the name of Her Majesty Queen Victoria," very much no doubt to the amusement of Lord Dalhousie, who exhorted the Commissioner to "disre-

gard the petulance and vexations opposition of the Ranees, and to show them all the courtesy due to their rank, their sex, and their changed condition. (P 29) Lord Dalhousie's admirers may assert, that the Bhonsla family ought to have accepted all this magnanimity and gracious consideration, as quite cheap at twenty-seven lakhs of rupees. But somehow or other owing to the narrow minded prejudices of Mahrattas, or to the proverbial ingratitude of natives, or because they would have selfishly preferred squandering the property themselves, they never have viewed our appropriation with complacency and never have ceased to protest against it, and to claim the restoration of the whole.

It is somewhat remarkable that there is a singular confusion of terms and inconsistency of statement, both in Lord Dalhousie's original instructions, and in Mr Temple's recent report on this financial masterpiece. In the very Minute in which Lord Dalhousie mildly deprecates their petulance and vexations opposition, he states that "a fund for the use of the Ranees is to be formed out of the value of property to be sold for their behoof" (p. 30) And in the minute on the reported tumult during the removal of the property he observes that it is to be sold on behalf of the family (p. 36) In his very natural desire to overlay this ugly deed with a little moral gilding Lord Dalhousie betrayed himself into some inconsistency of language but his practical object is not at all ambiguous. He intended absolutely to appropriate the private property of the family and with the proceeds to supply or reduce as much as possible the

annual expense of their maintenance. He does indeed repeatedly declare, that the proceeds shall not be "alienated from the Bhonsla family." But as he simultaneously employs in these very Minutes, and in the orders issued at the same time to the Commissioner, other terms implying a totally opposite meaning, these pretty expressions become mere prevarications, and fail entirely to give an air of decency to what was in fact a daring act of spoliation.

Mr Temple, in paragraph 366 of the Report, which has already been quoted at full length, terms the Bhonsla fund "*a deposit* in the hands of the British Government," and in my opinion the term is correctly used. Whatever that gentleman's conviction may be, whatever the cause of the slight confusion and inconsistency of his expressions, he does actually leave open and undecided the question of the proprietary right to the capital raised by the sequestration of the late Rajah's personal estate. But as he seems in the following passage to claim this Fund for Government as "*a set-off*" against the stipendiary provision made for the Rajah's family and retainers, we will waive for the present all preliminary objections, and inquire whether that stipendiary provision was, or is, fixed upon so liberal a scale as to constitute anything like an indemnity or equivalent for the capital appropriated and sunk. If we were to accept without further inquiry either the statement of that provision contained in the *Friend's* article, or that set forth officially in Mr Temple's Report, the settlement would appear to be not merely liberal, but profuse and excessive. Ten

lakhs per annum would soon exhaust a fund of twenty seven lakhs.

Liberal provision has been made, says Mr Temple (paragraph 371) "for the family and connexions and dependents of the late Ruler. These are very numerous, owing to the extraordinary and complicated domestic relations which it was the custom of Mah ratta Princes to contract. All these cases have now been finally investigated and submitted to Government. The total sum already granted or recommended amounts to 787 000 rupees or 7½ lakhs per annum. The pensioners number some 2158 persons, and the pensions range from 3 rupees per annum, the lowest, to 35 000 rupees the highest. The stipends of both classes then, aggregate 982 000 rupees or 10 lakhs per annum, an amount which will yearly grow less by lapses. Besides these cash payments, the family have landed grants, free of revenue worth about 50 000 rupees or half a lakh per annum. The total as it now stands (cash and land) is equal to about 25 per cent. on the revenues of the Nagpore province proper or in other words, one-fourth of the income of the late Nagpore kingdom is devoted to the support of the Bhonsla family *together with the retainers and dependents of the late Ruler* in accordance with the political obligation of the British Government. But as a partial set-off against this there is the Bhonsla Fund already alluded to."

I have italicised a few words towards the close of this paragraph, which appear to disclose at once the means and the motive of what I must reluctantly call Mr. Temple's misrepresentation. I cannot consider

him justified in classing all the military and civil pensioners, a large proportion of whom served during the last eight years under our rule, among "*the retainers and dependents of the late Ruler*" I can make considerable allowances for a tendency to "make things pleasant," when Mr Temple is now, for the first time since its annexation, describing the past proceedings and previous measures of Government in a Province placed under his own immediate control. A graceful and generous regard for the credit of his local predecessors will explain his reticence on some points, and the peculiar light or shade given to other features in the administration. But in the present instance, all permissible licence has been exceeded. Lord Dalhousie cannot be allowed to escape over the bridge of gold constructed for him by Mr Temple. That gentleman cannot be allowed to cast into one mass such incongruous elements, in order to manufacture a moral "set-off" for the Bhonsla fund. He cannot be permitted to exhibit all the pensions of the Province as if they benefited the late Rajah's family, and formed some compensation for their lost sovereignty, or to balance a flagrant spoliation by this delusive show of profuse liberality.

The *Friend of India*, misled by the round sums and sweeping classification, so congenial to his object of making out a case for Lord Dalhousie, has adopted Mr Temple's figures, and, overlooking his vague allusion to certain "retainers and dependents," presents this annual sum of ten lakhs of rupees as being "devoted to the support of *the one family of the Bhonslas*,"—a rather large family, if it really includes as many as 2158

members. Although a little consideration of this startling muster roll of 2158 persons, a little closer attention to particular indications,—such as the absence of any item of civil or military pensions in the accounts,—might, perhaps, have saved the *Friend* from this extraordinary error I must admit that he was led into it by too implicit a reliance on the exactitude of Mr Temple's phraseology. When the extraordinary and complicated domestic relations of Mahratta Princes are adduced in explanation of the large number of pensioners, when it is said that "besides these cash payments the family have landed grants who could divine, who without previous knowledge of the facts, could suspect, that all the military pensioners from the Rajah's army and from the recently disbanded irregular force, were included among the Rajah's family connexions and dependents" by Mr Temple, and that all their pensions, with those of the old civil officers, and of the holders of sinecures and hereditary charges on the revenue, who were relegated to the pension list, when the annexation was complete, and in fact all the pensions of every description, and all the Inams and other rent-free lands enjoyed by relatives of the late Rajah, had been thrown together into that round sum of ten lakhs of rupees, or twenty five per cent. of the revenues of Nagpore, which the *Friend* told us were devoted to the support of the "*one family* of the Bhonlas?" When the *Friend* has made a more accurate calculation, he will find that out of the sum of ten lakhs of rupees per annum allotted to pensioners, not even one half not five lakhs, but rather more than four lakhs,

are allotted to the "one family of the Bhonslas," including all the most distant relations by affinity of the late and of former Rajahs, so that, instead of twenty-five per cent., the charge on the Nagpore revenue will be about seven per cent.

The only stipends of which the particulars are given by Mr. Temple in his Report are those of Janojee Bhonsla, the Ranees, and the other inmates of the late Rajah's zenana, which amount to 2,33,000 rupees per annum. I have not yet been able to procure the exact items, but I am able to state, with substantial accuracy, that all the persons registered as relations of the Bhonsla family, about two hundred in number, are in the receipt of pensions which amount in the aggregate to about 1,75,000 rupees. This sum added to the stipends of the late Rajah's immediate family, makes the total of four lakhs and eight thousand rupees, which I offer, instead of the *Friend's* ten lakhs, as the actual provision, subject to constant reduction by lapses, which has been made for the Bhonsla family, using that word *family* in the most extended sense, to include all the connexions by marriage of the late and former Rajahs.

But it must now be further explained, that these pensions amounting to the sum of 1,75,000 rupees, are not new grants, made by our Government from sheer beneficence and generosity, but old stipends and allowances granted by the Sovereigns of Nagpore, and which were confirmed by our Government to the persons whom we found in the actual enjoyment and possession of them. So that all that has actually been granted to the late Rajah's immediate family, in-

cluding his lawful heir as a compensation for the loss of the sovereignty secured to them by treaty is the above-mentioned sum of 233 000 rupees per annum a certain portion of which consists of life annuities to the Ranees, although the whole is under the control and management of Rajah Janojee Bhonsla as the recognised head of the family. For no part of it has yet as I understand, been declared to be a hereditary settlement on Rajah Janojee's line. All payments beyond this from the Nagpore revenue, whether the amount be ten lakhs or four neither benefit, nor compensate, the immediate family of the late Rajah. Rajah Janojee Bhonsla and the Ranees are benefited by the payment of the pensions amounting to 175 000 rupees per annum to about two hundred relations and connexions of the late Rajah and his predecessors, to this extent only that if the Government had refused to recognise and continue the allowances which had been granted to these persons by the late Rajah, many if not most of them, must have become dependent for food and clothing on the Palace establishment, as the only refuge from starvation. It is not quite so easy as Lord Dalhousie and the Honourable Court of Directors seemed to think, for even the humblest connexions of a royal family to throw off their old habits, to learn at a moment's notice to do without their accustomed income, and to earn an honest livelihood like their neighbours. To this limited extent, therefore, Rajah Janojee and the Ranees may well be thankful that the stipends enjoyed by their distant relatives were not confiscated after the annexation.

But claiming, as I do to have shown clearly in a

previous part of this letter the utter injustice of making even the *new* stipends allotted to the late Rajah's nearest relatives a charge against the family property, I may be allowed, without recapitulating any part of the argument in this place, simply to urge *a fortiori* that this same private property should not be charged with the maintenance of *old* stipends to more distant relations.

Before finally dismissing the plea of "set-off," I shall give the particulars, taken from Mr Temple's Report, of the pensions formerly and at present assigned to the late Rajah's immediate family. "The terms of the provision for the Bhonsla family," says Mr Temple (para 367), "were, in the first instance, declared at the annexation. These included the widows and connexions of the late Rajah. Accordingly, the following pensions were granted —

	Per annum Rupees
The Banha Baee . . . .	1,20,000
Unpoorna Baee	50,000
Darja Baee	25,000
Anunda Baee . . . .	25,000
Kamuljee Baee	25,000
Savitree Baee (widow of Rajah Appa Sahib)	15,000
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	2,55,000"

But it must be remembered that whatever Lord Dalhousie granted, was simply given as *life pensions* to the Rajah's grandmother and widows, and while for some time he completely ignored the existence of Janojee Bhonsla, he at last, when pressed by the Ranees, declared that the adopted son had not the vestige of a claim to any consideration, and declined to hear his name mentioned.

If Mr Mansel's expectations and Lord Dalhousie's hopes had been fulfilled, the clear gain to our Government, by this extraordinary transaction, would have been enormous. For a sum of ready money estimated at not less than fifty lakhs of rupees, (£500 000) we should have undertaken to provide life annuities amounting to Rs. 2 40 000 (£24,000) to six ladies one of them, whose pension of Rs. 1 20 000 constituted one-half of the annual burden, being nearly eighty years of age!

But even with the sum of twenty-seven lakhs,<sup>1</sup> actually realised by the sale of the jewels, spoons, clothes, and other personal property and by the appropriation of the private treasure, the Government would have made a very handsome profit, had Lord Dalhousie's original intentions and instructions been adhered to. Two of the Rajah's widows are dead his grandmother the Banka Rane, died in 1858 and under Lord Dalhousie's liberal arrangements their life pensions would long ago have lapsed and the Bhonsla family instead of two lakhs and fifty five thousand, would have been receiving just sixty thousand rupees per annum, not one rupee of which would have belonged to the Rajah's heir who might have subsisted on the bounty of his adoptive mother during her life, and after her death might have become a cooly a beggar or a rebel according to his temper ability and opportunities. At the beginning of 1859 the life annuities of the three surviving Ranees only amounted to Rs. 60 000 per annum, or less than half of the interest at 5 per cent. on the realised capital.

<sup>1</sup> £27,000

No thanks are due to Lord Dalhousie for the revised arrangement that has recently been made; which Mr. Temple's report (paragraph 369) informs us stands as follows —

		Per annum
	JANOOJEE BHONSLA . . . . .	Rs 90,000
Widows . . . {	Darya Baee . . . . .	" 45,000
	Anunda Baee . . . . .	" 45,000
	Savitree Baee . . . . .	" 15,000
	Zenana Ladies . . . . .	" 18,000
	Household slaves, called Bhonslas and Barakurnees . . . . .	<u>" 20,000</u>
	Total . . . . .	<u>Rs 2,33,000</u>

Mr Temple adds — “Janojee was constituted head of the house, and to him the payment of the stipends of the Ranees, and the general control of the Palace and household were entrusted” But although a very general impression prevails at Nagpore, that the annual sum payable at present cannot be diminished, at least not during Janojee Bhonsla's life, all that has actually been settled upon him is the above-mentioned stipend of Rs 90,000 per annum, and both this and the Ranees' pensions are still nominally life-annuities

Thus the Government of India is at present paying an annual sum of Rs 2,33,000 in pensions to the late Rajah's immediate family, several of whom are aged females, while it has held during the last seven years, under the name of the Bhonsla Fund, a sum of twenty-seven lakhs of rupees, derived from the sequestration and sale of the late Rajah's personal estate, the annual interest of which is Rs 1,35,000 per annum If the Government claims the possession or reversion of the Bhonsla Fund,—as Lord Dalhousie certainly intended,

and as Mr Temple would seem to imply by the use of the term "set-off"—an actuary's report on the transaction would show that the annual pensions to the late Rajah's immediate family are really provided without any cost or charge whatever or with a very insignificant charge, against the revenues of India. So finally vanishes into thin air the last vestige of the annual ten lakhs of rupees allotted to "*the one family of the Bhonslas*" by Lord Dalhousie's unexampled liberality according to the *Friend of India's* version.

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LETTER X

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THE TIGERS OF MYSORE

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March 30th, 1861

IN the final settlement which he has recently made of the Mysore Princes' claims, Sir Charles Wood appears—so far as can be judged at present,—to have picked out for redress the least hard and least pressing of the many hard cases before him, to the detriment and neglect of several much more urgent moral claims, arising from the late Governor General's eight years' raid among the tall poppies of India, and with the effect of adding to the probabilities and facilities of those weightier cases being more vigorously agitated. It is difficult to understand how Prince Azeem Jah, and the representatives of the Tanjore and Nagpore families can be rejected, when Tippoo's descendants have met with such liberal treatment

And for this last reason I am surprised to find that so many natives at Calcutta have been induced to sign their names to petitions, and thus to swell the chorus of the commercial and official opposition to the Mysore

grant.<sup>1</sup> The intention of the Secretary of State to re-establish that confidence in our good faith which was so effectually shaken by Lord Dalhousie, requires to be encouraged rather than checked, more especially after the resistance offered by the Legislative Council. Whatever our financial difficulties may be, they must not be allowed to prevent the satisfaction of any approved claim to mere restitution, still less to form a plea for refusing to listen to any such claim.

While I consider the claims of Tippoo's family on the generous consideration of our Government to be very weak when compared with others still disregarded, and while I have not a doubt that the family had no legal claims at all,—since they were never admitted as parties to any treaty or agreement or capitulation with their conquerors,—I am well aware that the adverse case against the Mysore Princes has been too often supported by arguments that will not bear a close examination, and by rhetoric of the flunniest texture. For instance, I have never had any patience with the cuckoo-cry of tyrant and barbarian against Tippoo. It is not to the purpose, it is scarcely ingenious to declaim as many have done, on the violent rise and ephemeral existence of Tippoo's dynasty, to term Hyder Ali a robber chief and a usurper and his son a blood thirsty fanatic,—and then to assume that the princely dignity of the family and their claims upon our generous consideration are destroyed and disposed of.

<sup>1</sup> The natives at Madras were too cautious to be drawn into any such course. They rejoiced at the good promise of this liberal measure.

Hyder and Tippoo were both of them Sovereign Princes whom we had recognised in every possible form, and with whom we and our allies had been from time to time connected by every international obligation. We made war and peace with them, we accepted cessions of territory from them, we made treaties of perpetual friendship and of defensive alliance both with father and son.

Nor can Hyder Ali's successful assumption of supreme power in Mysore be fairly considered as the mere result of a greedy and traitorous ambition. It was a most legitimate dynastic revolution,—the only revolution possible in a certain stage of society,—urgently and imperatively called for in a great political crisis by the weakness of a secluded Rajah, and the vicious incapacity of a hereditary minister. By its physical conformation Mysore seems as naturally adapted for independence as Switzerland, and this was more especially the case, when the frail fabric of Aurungzebe's Empire was rapidly disintegrating under the influence of the Hindoo national revival and revolt initiated by Sivajee, which tempted and almost compelled the Viceroys of the King of Delhi to strengthen themselves against Mahratta conquest and local insurrection, by assuming monarchical power and virtual independence.

Nothing but the vigour of Hyder's rule could have preserved the "autonomy" of Mysore, or prevented it from falling into the hands of the Nizam, to whose regency, according to the Mogul provincial system, it belonged. Nothing but a strong and able government could have saved the flourishing provinces of the Bal-

ghant, the Baramahl, Malabar and Canara, from the swift devastation of the Mahratta "mook-geeree," the perpetual and usurious demands of the Mahratta Chont.

The Nizam, with the addition to his dominions of Mysore and its dependent provinces, integral parts of the Deccan Vice-royalty which but for the genius and energy of Hyder he would easily have wrested from the effete government of the Rajah, would have been the most powerful monarch in India. The Nawab of Arcot could not have gained his nominal independence under our tutelage and protection, and for our benefit, but must have remained the humble vassal of Hyderabad. From the passes of Mysore the Nizam would have domineered over the Carnatic and Madras even more effectually than the Peshwas actually did over Bombay from the Western Ghants, until family and federal intrigues, and the mutual enmities of the Mahratta chieftains, invited our interference in 1802.

Lord Wellesley's Minutes after the fall of Seringapatam in 1799 prove that these were his views, and that the chief argument for exhuming the infant Rajah and placing him on the musnud, was that the partition of Mysore with the Nizam would have raised the power of that Prince to a dangerous height and would have given him many strong fortresses which could not have been placed in his hands without imminent danger to the British frontier"<sup>1</sup>.

It might appear paradoxical to assert that Hyder Ali contributed more than any other individual to prepare the way for the establishment of our supremacy

<sup>1</sup> Mill and Wilson's Hist. Ind., vol. i, p. 105.

in the South of India, and yet the fact is undeniable He opened the way for us by setting aside the ancient rights and nominal sovereignty of the incapable Rajah, while he warded off and evaded, at once the established and pompous authority of the Nizam, and the national, or, as we may call them, the Hindoo-federal pretensions of the Mahrattas, to either of which powers the possession of Mysore and its dependencies would have given a tremendous preponderance, and an inestimable vantage-ground

Hyder Ali, in seizing on the supreme executive power in Mysore, acted on sound statesmanlike principles, and on motives which as well deserve to be called patriotic as those which led Vespasian to the throne of the Cæsars, or Oliver Cromwell to the Protector's chair Whatever admixture of a lower element there may have been in their motives and their intentions, the Roman, the Englishman, and the Indian Mussulman must have been, each of them, in his time and in his place, conscious of being the best, if not the only possible ruler Whether it is natural, honest, courageous or patriotic, to resist such a consciousness, and to shrink from its dangers and its glories, I leave to the candour or to the casuistry of my readers

I demur then to the ordinary judgment upon Hyder's elevation, as if it had been something violent, irregular and illegitimate I equally demur to the generally accepted presumption that Hyder and Tippoo were sanguinary tyrants and cruel oppressors of their subjects On this point I shall call for the evidence of two intelligent officers to whom we are indebted for the best information of the campaigns of 1791-2

When a person, says Lieutenant Moore, travelling through a strange country finds it well cultivated, populous with industrious inhabitants, cities newly founded, commerce extending, towns increasing, and everything flourishing so as to indicate happiness, he will naturally conclude it to be under a form of Government congenial to the minds of the people. This is a picture of Tippoo's country and this is our conclusion respecting its government.<sup>1</sup>"

And Captain Dirom says — "Whether from the operation of the system established by Hyder from the principles which Tippoo has adopted for his own conduct or from his dominions having suffered little by invasion for many years, or from the effect of these several causes united, his country was found every where full of inhabitants, and apparently cultivated to the utmost extent of which the soil was capable while the discipline and fidelity of his troops in the field, until their last overthrow were testimonies equally strong, of the excellent regulations which existed in his army. His government, though strict and arbitrary was the despotism of a politic and able sovereign, who nourishes, not oppresses, the subjects of his future aggrandisement."<sup>2</sup>

In 1799 without taking our treaties with him into consideration, no Prince in India was more legitimate than Tippoo Sultan, more firmly seated in possession of his throne, or surrounded by a more devoted body of servants or a more contented people. He was our

<sup>1</sup> Narrative of the Operations of Captain Little's Detachment p. 201

<sup>2</sup> Dirom's Narrative, p. 210

enemy, no doubt, and with good reason, and we were his enemies and with good reason also it suited us to attack him, we conquered and he fell. Having decided to extinguish the Mahomedan sovereignty, and to divide the territory, we found a large family of Princes thrown upon our hands,—Princes born in the purple, nurtured in palaces, whose hereditary rights had been recognised by treaties, and some of whom had in former years been received as royal guests by the British Viceroy What was to be done with them? The simple old Oriental plan would have been to cut off all their heads, or to immure them in dungeons. but as that did not exactly suit our notions, the only alternative was to treat them handsomely, and Lord Wellesley determined to do so

Lord Wellesley's first plan after Seringapatam was taken, was that of recognising one of Tippoo's sons, and he was not deterred from this settlement by any doubt of its justice, or by any disregard for the claims of the family, but solely by considerations of British interests, and a dread of French influence He writes to Dundas, the 7th June 1799, "It would certainly have been desirable that the power should have been placed in the hands of one of Tippoo's sons, but the hereditary and intimate connection established between Tippoo and the French, the probability that the French may be enabled to maintain themselves in Egypt, and the perpetual interest which Tippoo's family must feel to undermine and subvert a system which had so much reduced their patrimony and power, precluded the possibility of restoring any branch of the family of the late Sultan to the throne, without

exposing us to the constant hazard of internal commotion, and even of foreign war <sup>1</sup>

And he expresses similar views in his report on Mysore affairs to the Court of Directors — “The usurpation, though not sanctioned by remote antiquity had subsisted for such a length of time as to have nearly extinguished the hopes of the Hindoo family and to have accustomed them to the humility of their actual fortunes while the sons of Tippoo Sultaun, born in the state of royalty and educated with the proudest and most exalted expectations of sovereignty and power would be proportionably sensible to the sudden change of their condition, and to the unexpected disappointment of their splendid prospects. In this view of the subject it would have been more grateful to my mind (scouring a magnificent provision for the ancient family of Mysore) to have restored that of Tippoo Sultaun to the throne if such a restoration could have been accomplished without exposing Mysore to the perpetual hazard of internal commotion and foreign war and without endangering the stability of the intended settlement of your interests and those of your Allies in this quarter of India.”<sup>2</sup>

The Duke of Wellington, who was his brother’s chief local adviser at this period, writing from Seringapatam, 23rd May 1799 would seem to have been at first inclined to prefer the pretensions of Tippoo’s family to that of the infant Rajah.

I think,” says he, “that the persons about the General now seem to be of opinion that it would be best to restore part of the country to one of the sons

<sup>1</sup> Wellesley Despatches, vol. II, p. 80

<sup>2</sup> Ditto, p. 78

of Tippoo, keeping garrisons in its forts and strongholds, or taking from him annually a certain sum as tribute This is one of Purneah's proposals, upon which it must be observed that they were all framed with a view to his own interest, and the future management of the revenues of the country to be restored, by himself Although I don't think that there is any reason to believe, as he states, that the country cannot be settled unless part of it is restored in some manner to one of Tippoo's sons,—that, on the contrary, I am certain, it can be settled under any arrangement that you think proper,—it is not quite clear that the most politic and most proper measure, and certainly the most generous one, would not be to place one of them in the Government of part of it ”<sup>1</sup>

Having thus endeavoured to throw some light on the status of Tippoo and his family at the time when we conquered and divided his dominions, let us next examine our own position under the treaty of Mysore with the Nizam When the alleged claim of the Mysore Princes,—which probably was never made,—to be considered as principals or parties to the treaty is dismissed as quite untenable, it is still not apparent how we can repudiate or withdraw from our accepted responsibilities as trustees for the share of revenue set apart for Tippoo's family, over and above our share, under the Partition Treaty of Mysore It is true that to avoid perplexing relations and possible disputes with the Nizam, we stipulated that neither government should have the right of questioning the distribution or diminution of the incomes reserved for the

<sup>1</sup> Supplementary Despatches, vol 1, p 221

families of Tippoo and of his great Cavalry General, Meer Kummer-ood-deen, but it seems to me that we thereby assumed a heavier moral obligation and were more firmly bound to a generous construction of our duties as the conquering power.

In the Legislative Council on the 8th December last, Sir Barnes Peacock, already committed to a total denial of the Mysore claims by his advice given as legal member of the Supreme Council five years before, but who as an experienced lawyer ought to be aware of the indispensable obligation to precision in defining and explaining all the terms used in a case, was most unfortunate in one of his arguments. He tried to prove that the provision made for Tippoo's family by the Partition Treaty of Mysore, was only

intended for those in existence at that time, and not for their descendants," by citing the corresponding case of Meer Kummer-ood-deen, to whom the Nizam, in the same treaty undertook to grant a "personal jaghire of 210 000 rupees. Sir Barnes Peacock argues that if the Nizam only bound himself to grant a "personal jaghire" to Kummer-ood-deen, while we bound ourselves to provide for Tippoo's descendants in perpetuity we should have been placing ourselves in a worse position, and assuming a heavier burden than our ally.

But as Sir Barnes admits that the intention of the treaty was to give each of the two powers an equal share of the revenues acquired by the partition, their net shares being in the treaty expressly calculated after deducting the annual incomes provided for Tippoo's family and for Meer Kummer-ood-deon respec-

tively, it is obvious that Sir Barnes Peacock's interpretation would have placed the British Government in a much more advantageous position than that of the Nizam, for if the incomes provided for these two families were only "intended for those in existence, and not for their descendants," we should have secured a reversion of seven lakhs of rupees, while the Nizam only secured one of two lakhs.

Sir Barnes Peacock's mistake arises from his misunderstanding, and consequently misstating, the meaning of the word "personal" when applied to a jaghire. He supposes it to be equivalent to "*for life only*," and to be opposed to "hereditary," an error from which a very little research even in the records of the Bombay Inam Commission would have saved him. A "khass" or "personal" jaghire was granted for the support of the grantee's rank and dignity, and is distinguished from a "tunkhwah" or "service" jaghire which was granted for the support of a quota of troops.<sup>1</sup> The term "personal" was not opposed to "hereditary" but to "service." The Nizam in the treaty promised to grant Meer Kummer-ood-deen a "service" jaghire in addition to his personal estate. Indeed, it was the class of personal jaghires alone that was ordinarily, almost invariably, held on a hereditary tenure, while service jaghires were seldom allowed to descend unconditionally, and were always resumable at will.

The truth is apparent from all the contemporary papers, that the income for both families was intended to be hereditary, and not merely for those in existence at that time. The doctrine, so dear to Lord Dalhousie

<sup>1</sup> Called "surinjam" in the West of India *ante*, p 147.

and to the Mangles section of the Court of Directors, that the descendants of Sovereign Princes in the second or third generation should learn to mingle with the people," and to gain an honest livelihood, was not then in vogue. Sans-culotte principles were not much cultivated in 1799 among the governing classes of England, and least of all among Lord Wellesley's conpeers.

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## LETTER X I.

## COMPENSATION.

Madras, January 1803

EVERY executive government is bound in the strictest obligations of duty to avoid being entangled in an inconvenient precedent, when an appeal for the redress of grievances above or beyond the reach of municipal law is under consideration. The danger of an embarrassing precedent never ought to be overlooked by the Executive Government in India or in England, for this reason, that having once promulgated a principle and instituted a precedent, a Government of our character and pretensions must scrupulously abide by them. I could excuse and extenuate, though I might not entirely approve, a strong aversion on the part of Government, even where the abstract justice of the claim was admitted, to relinquish annexed territory, for fear of a precedent being established, because I know that certain trite accredited apprehensions of loss of prestige and of injury to the inhabitants, will obstinately intrude themselves into the question, and gloss over by their apparent moral

lustre the dark suggestions of our self-esteem and self interest. The time has perhaps not yet come when the futility of these apprehensions can be clearly demonstrated and it may be admitted that, from the absence of any definite Imperial plan or process for the reform of native administration, there is still a good deal of truth in these apprehensions and objections which for the present renders their existence excusable.

But when the grievance, for which redress is demanded, involves no question of territorial dominion or sovereign power but merely one of landed estates or personal property irregularly or erroneously sequestrated, I do not believe that even the most hackneyed of our Indian politicians would pretend that the reputation or prestige of Government could suffer in the least by an equitable restitution. I am not prepared to hear with patience or forbearance, nor do I expect to hear from any English gentleman, these objections advanced against a just settlement of mere pecuniary claims, against the alleged rights of the existing representatives of certain mediatised royal families, to succeed to the private domains and personal property of their predecessors. It is true that, in cases of this description more especially the Government is bound to be careful and cautious in coming to a decision, so as neither to waste the public money in a single instance by romantic generosity nor to establish an extravagant and unnecessary precedent. But when, after a full inquiry and due deliberation the merits of one of these claims has been clearly ascertained no considerations of economy must be allowed to interfere

with its full satisfaction, even though its settlement should obviously and certainly entail that of half a dozen analogous cases. Whatever our financial difficulties may be, they are not yet so great as to prevent us from paying our just debts. Moreover, it must be remembered that the settlement of these debts does not really constitute any burden on the country, these debts do not represent any expenditure of revenue that has to be incurred, they are simply accounts of money and goods in deposit, which, never having formed part of the income or of the assets of Government, are now repaid or restored to the proper owners.

Convinced, therefore, that,—in default of that complete redress which the political maxims of the day seem to forbid,—a liberal settlement of the pecuniary claims of the deposed families, and a permanent provision for their comfort and dignity, are imperatively required for the re-establishment of a healthy public feeling, and for the honour of our Sovereign, I have heard with much gratification, that the restoration to the senior Ranees of all the personal property and private estates of the late Rajah of Tanjore, is proceeding in the most satisfactory manner. The general decision of the question in favour of the Ranees, was one of Lord Canning's last performances,—the approval of Sir Charles Wood and the Cabinet to the most liberal terms having been intimated very plainly by anticipation nearly a year ago. Lord Elgin, to whom several references have been made as to the details of the restitution, has invariably ruled in favour of a generous interpretation. The result will be that the Tanjore family will recover, besides numerous villages

and gardens, upwards of thirty lakhs of rupees worth of property partly in plate and jewels, partly in cash, the proceeds of our sales by auction.

It is reported that Sir Charles Wood, in one of his last despatches on Tanjore affairs, expresses extreme regret that any of the property should have been sold by auction, observing that *the auction sales of Nagpore property* —elephants, horses, and cattle clothes and jewels,—at Nagpore and Calcutta, had been *a great source of distress and mortification to the Bhonsla family*. This, no doubt, is a perfectly true description of the feelings of the Bhonsla family, but I wonder if it has yet occurred to Sir Charles Wood that if it is right, and just, and becoming to restore to the proper heir the private personal wealth of the late Rajah of Tanjore, it must be equally right, and just, and becoming to restore to the proper heir the private personal property of the late Rajah of Nagpore. The two cases are perfectly parallel and analogous no political difficulties, no punctilioe of state, can be alleged to impede a pecuniary settlement in the one case any more than in the other. Poor as India is, she can yet pay her just debts and account faithfully for all sums that she holds in deposit.

While all possible credit should be given to Sir Charles Wood, to Lord Canning, and to Lord Elgin, for the earnest desire they have manifested on not a few occasions to efface, where it could be quietly done, the darker stains of Lord Dalhousie's rapacity there can be no doubt that the Bhonslas of Tanjore are mainly indebted for the recovery of their family property to the able, patient, and judicious advocacy of

Mr J B Norton. The Secretary of State may have the best general intentions, but there is always a stimulus required to set him in motion. He must have something urgent before him. It is exactly the same with the Governor-General and his Secretaries. Repentance by intuition and unsolicited reparation are not plants that flourish in public offices. But for the prompt institution of the suit of Kamachi Bai v the East India Company, in the Supreme Court of Madras, which was decided in the Ranee's favour, and which, although reversed on appeal before the Judicial Committee,—on the ground that the seizure was an “act of state” not cognisable by municipal law,—called forth a stern condemnation of the whole proceeding from Lord Kingsdown, who delivered the judgment of the Privy Council, but for this previous ventilation and public exposure, eliciting the solemn and weighty opinion of the highest judicial authorities in India and in England, I must be allowed to doubt whether Mr Norton would have been so completely successful in his final negotiations.

The spoliation of private property at Nagpore in 1854 was actually used as an argument and precedent for the similar outrage on the Taujore family in 1856. In the latter case, while the Privy Council decided that an act of state could not be reversed by municipal law, Lord Kingsdown, who delivered the judgment, condemned the sequestration as “a most violent and unjustifiable measure,” and declared that he could see “no ground of legal right on the part of the East India Company, or of the Crown of Great Britain, to the possession of any part of the property of the Rajah.”

on his death." Though not legally bound by this dictum of the Queen in Council, Lord Canning and the Home Government considered the principle as settled by it, and that they were bound in honour to make restitution which has been done. It remains for Lord Elgin to make restitution to the Nagpore family.

All the condemnatory dicta put forth by the Judges on the subject of the Tanjore confiscation, are equally applicable to the counterpart proceedings at Nagpore. Sir Charles Wood has already stigmatised the auction sales of jewels and clothes. But the Bhonslas of Nagpore—although, it is said, frequently advised to do so—never attempted to make the sequestration of their family property a matter for judicial inquiry. Under some scruples of pride or policy they refused to bring an action against the East India Company and in fact never employed a lawyer at all, or obtained a legal opinion on their case. Had they done so they must by this time have arrived at the same goal as their fellow-sufferers of Tanjore. Now is it advisable, is it politic, is it dignified, for the British Government to allow it to be practically demonstrated that no one can hope for success in an appeal of this description without the assistance of skilled advocacy and that redress cannot be obtained from the moral conviction, the innate justice and honour of the British Government, but only under the pressure of publicity and in unwilling submission to a solemn judicial censure? The effects of such a belief being established would be most disastrous. It would destroy all the grace and goodwill of the restitution already made, while in all

other existing unsettled cases it would lead to an unreasonable and exclusive reliance on legal aid, and would create the impression that no claim need be hopelessly abandoned until all the arts of advocacy and agitation were exhausted. One or two strong claims spontaneously settled by Government would strengthen its moral position greatly, and Lord Elgin might very well begin by accounting for the Bhonsla Fund. Nagpore was made a precedent for the unjust extinction of the Tanjore Raj. Let Tanjore now be made a precedent for the just restitution of the Nagpore property.

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## LETTER XII

## RESTITUTION

THE science of politics is pre-eminently an experimental science. All attempts to construct a government, or a social polity on abstract principles, have failed. Plato's Republic, Sir Thomas More's Utopia, the reign of Liberty and Equality in France, and Robert Owen's Harmony Hall, are all examples and monuments of undoubted genius, and irreproachable benevolence leading to contradictions of thought and morals in theory and in practice to confusion and ruin. The much abused *expediency* is the only true rule of guidance, the only true political morality for the practical statesman who has the responsibility of rule thrown upon him, and who has always before his eyes the necessity of immediate and decisive action. The short-sighted policy that grasps at the first material advantage within reach and in its power without regard to rights or thought of ultimate results, is not expediency. Deliberate injustice and defiance of inward convictions are never expedient. Where there is no right there can be no expediency.

That there are absolute principles of politics and of

government, that both a science of history and a social science are possible, and will in time be constructed, I am as firmly convinced as Comte or Buckle could desire. We have already a foretaste and a sample of what the future Sociology will be, in Political Economy, which has surely and rapidly risen to the dignity of exact science. But Political Economy, one branch of an immense subject, is the growth of a single century, and a few only of its leading truths are universally accepted, even in England, as incontrovertible and axiomatic, while political and historical science is at present little more than a brilliant vision perceptible only to the eye of faith "Ars longa, vita brevis." Science progresses slowly, but this work-a-day world cannot stand still.

Besides this, the doctrine of the division of labour is as applicable to politics and morals as to industrial affairs. We very seldom find the same man gifted both with speculative and with practical ability. And therefore, however much we may admire and venerate the noble performances of Bentham, Mill, and Buckle, in the field of legal, social, and historical science, we may at the same time very reasonably prefer to leave the government of the country in the hands of such men as Pitt, Peel, and Palmerston. The philosopher may cast his prophetic glance into futurity, and the influence of his writings may be felt and acknowledged after the lapse of generations or of centuries, but the statesman is well occupied in providing for the wants, the difficulties, and the dangers of the present time. To him "sufficient for the day is the evil thereof." Even when the work of the philosopher has produced

its full effect, when the press has spread and multiplied his conclusions, when the pressure from without is irresistible, and the time is ripe for change,—the statesman, even when preparing great measures of reform, must work from the actual to the possible, and will not shake the old fabric or weaken its pillars and foundations. His first question will always be that of the Duke of Wellington,—the practical man of his time, though anything but a philosophic statesman,—“How is the Queen’s government to be carried on?” If that question can be satisfactorily answered, he will move on boldly; otherwise he will pause or oppose. Stability is the great object of government, and every wise politician in power is a conservative.

Stability is the great object and the principal element of political stability is public confidence. In India, more particularly during the last twenty years, flushed with a rapid career of victory and relying on our material resources, we have pursued a destructive policy and, while careful of our solvency and military strength we have despised all means for preserving public confidence in our good faith, and for supporting social subordination. We have grievously vexed the conservative interests of India, and thereby have probably done more for a time to check its progressive tendencies, than we have done in any other direction to advance them.

For among the few discoveries of historical science that may, from the uniformity of phenomena in every clime and age be considered as established facts, as primary data from which the perfect science is to be constructed is this one—that every community in its

progress from barbarism to an advanced civilisation, must pass through an era of great nobles and great landlords, before it arrives at the far more stirring and productive stage of a great middle class. The progress of a nation depends, not upon the King or Government, except in the very earliest stage, so much as upon the entire class that is removed from the toil, and anxiety of supplying its material wants of food, fire and clothing, and has leisure for intellectual pursuits. This class, at first limited to the great landlords, becomes gradually extended, until in our own age and country, in consequence of the immensely increased application of machinery,—viewed at first with so much ignorant dread and jealousy by the class which has most benefited from it,—our artisans and skilled labourers are becoming every day possessed of more and more leisure, and are devoting more and more of that leisure to intellectual pursuits, and a state of things now exists predictive of incalculable social changes, which in free Great Britain we may anticipate and welcome with very few misgivings. The balanced forces of our constitution will secure us from revolutionary shocks and from stolid obstruction, and good will and hearty co-operation between the higher and lower classes are visibly increasing every day.

But what have we done, and what are we doing in India? In almost every province we have done our best, or worst, to sweep away every link between the Government and the tiller of the soil. Over the greater part of the Madras Presidency the Princes, the nobles, the Polygars, and the Zemindars, have sunk and ex-

pired under the exactions and confiscations of our system, and we have handed the ryot over to the tender mercies of the Curnum and the Tahsildar. The genial relations of landlord and tenant have been dissolved, the ancient social hierarchy has been destroyed, and the leisure class has disappeared. For our Government, a government of foreigners, this result has been especially detrimental. It is only through a recognised and wealthy higher class that we can reasonably expect to establish close relations a vital communication with the masses of the people, and a dominant influence over their opinions, manners, and customs.

As a consequence of our annexations, confiscations, and resumptions, we have lost the confidence of the residuary Princes and landlords, who have naturally been visited with an incessantly recurring dread that they were only spared for some more convenient opportunity. Even now notwithstanding the Queen's Proclamation and other reassuring incidents of the last two years, but little confidence in the security of their rank, privileges, and possessions, can be felt by the few remaining Princes and chieftains of the Carnatic, when they have seen the greatest among them, their feudal superior and Sovereign Lord, declared to have been a mere dependent on the will and pleasure of the Honourable Company and when they still see the rights which have descended to him by inheritance, and which were guaranteed to him by treaty refused to the heir and representative of the Wallajah family of the reigning Nawabs of the Carnatic. This prevalent want of confidence is the greatest im-

pediment to the peaceable stability of our rule, and to progressive improvement, and I have no doubt that the general tone and temper thereby given to popular opinion and popular conversation, and the consequent expectation of unanimous revolt, were the great causes of the rebellion of 1857. The conservative interests which we had neglected and injured, but which were still of considerable weight and importance,—and especially the native Princes and chieftains,—saved us from the general insurrection that was imminent.

And now, while all the better classes of natives, all native interests and intellectual energies, except those of trade and agriculture, are in a state either of perfect stagnation or of sullen and expectant hostility, every British adviser calls upon the Government to initiate and to carry out reforms, to apply remedies to every failure and every deficiency, and to stimulate all the latent capacities of India. The Government is to be an official Providence, supplying education, irrigation, scientific agriculture, telegraphs, railways, and an example of virtue, and any want of public spirit and national life is to be amply outbalanced by the vigour of annual reports, and the liveliness of tabular statements.

This undue reliance upon Government is fatal. A Government can do a great deal, but it can do little that is solid and permanent, little that is not superficial, and hollow and delusive, unless its measures are planned and based upon the understanding and consent of the reflecting and influential classes of the people, built and cemented upon their existing cir-

cumstances, and upon their actual civilisation and ancient customs

Rights and privileges—creeds and customs, and even material improvements, that have been introduced and maintained, directly or indirectly by a foreign government,—until they have been worked for and won, relaxed and appropriated by the people,—are exotic, and have no root in the soil. The first storm will sweep them all away. Our Government is not an organism but a mechanism—our institutions have no vitality and no reproductive power. If the English were to leave India, what would become of the telegraph, the railways, the river steamers, the freedom of speech and of the press, the right of public consultation and combined petition, the personal liberty and open courts of justice, that we have brought into the country? English law and English science have been very imperfectly appreciated, even by the most enlightened natives, they have not been effectually naturalised in our own provinces, and in the allied and dependent States they are unheard of or heard of with dread and distrust by Princes and people.

Without the confidence and co-operation of the highest and most influential classes our mission in India will be barren of any permanent good, of any enduring glory to the British nation. Without that confidence there can be no political stability without it our reforms and our supremacy will be alike superficial and precarious. To gain that confidence we must cast off our pride, our prejudices and our selfish interests—we must take India and its people for better or worse—we must place confidence and en-

trust power to those whose good will and assistance we require, and we must grant a large measure of restitution

It would be unjust and unfair to Lord Canning to deny or to keep out of sight the fact that he has evidently perceived many of these truths, and that he has been working steadily in the right direction by re-establishing the landlord rights of the Talookdars of Oude, by conferring upon them and upon the Sudars of the Punjab extensive magisterial powers, and by his promised recognition of future adoptions in Hindoo princely houses. His recent step of requesting the British Indian Association of Calcutta to nominate two of their members to consult with the Secretary to Government on the proposed modification of the Income Tax, is an example of the same wise policy. And the three Acts creating the High Courts, and the Legislative Councils, and opening the Civil Service, will afford, if judiciously applied, and cautiously extended, ample powers and full scope for inaugurating a more liberal and equitable era, and for instilling some national life into our administration. The present day is not destitute of performance or of promise, and I am far from advocating a rash and rapid advance, or sweeping and ostentatious changes.

But some matters do not admit of delay. When a great wrong is made manifest, justice cannot be too speedy. We cannot restore that faith in our adherence to treaties which was so fearfully impaired by Lord Dalhousie's proceedings, we cannot instil that full confidence in our political justice and moderation which we have never acquired or deserved, and which

is the foundation of political stability without a large and generous measure of restitution.

For unless might absolves from all obligations, and weakness annuls every right, Prince Azeem Jah, for one instance, has a clear right to the dignity and revenues of Nawab of the Carnatic, and, for another instance, Rajah Janojee Bhonsla as clear a right to the sovereignty of Nagpore as any reigning Prince in Europe or in Asia has to his crown and possessions. Neither they nor their immediate predecessors, by any sin of omission or commission, forfeited that royal inheritance, which was not granted or given by us, but which, in consideration of important acquisitions and advantages, we guaranteed by treaty and promised to protect and uphold. Their rights are as strong now as they were when their immediate predecessors died the lapse of a few years has no tendency to alter their hereditary and inherent position, or to weaken their continuous claim. An act of state, however arbitrary and iniquitous, can be reversed by no process of municipal law but on the other hand, the recovery of political rights, withheld by an act of state, is barred by no statute of limitations.

In the case of Prince Azeem Jah it was expressly declared by Lord Dalhousie that the title of Nawab was "placed in abeyance. Indeed the lapse of a few years, though it could not add to the actual strength of their rights, has manifested and displayed their strength in a very remarkable manner. The official papers have been published in obedience to Parliamentary calls and each case has been so thoroughly ventilated by the press, that neither the Calcutta ad-

ministration nor the Home Government could venture, or indeed would condescend, to repeat in despatches intended for publication, or openly before Parliament, the misstatements, misrepresentations, misunderstandings, presumptions, suppressions, and equivocations, which were employed to destroy our friends, but which have now been submitted to an effectual process of public refutation and exposure. They served their turn at the time, but they have now been transferred to the opposite scale, and aggravate the burden which the Honourable Company has bequeathed to the Queen of Great Britain and Ireland. That burden cannot be removed, public confidence cannot be established, the Queen's name cannot become the tower of strength that it ought to be in India, without a large measure of restitution.

It is not uncommon to hear an opinion expressed that it is imprudent and dangerous to push a policy of conciliation and concession too far, that such a course, particularly in the form of territorial restorations, conveys an impression of weakness, and implies that we have more provinces than we can conveniently manage and defend, and that we fear the secret hostility of the despoiled Princes.

Let us understand clearly what this danger of conciliation means. Is it supposed that on account of our conciliatory measures, certain disaffected persons will think us weak when we really are strong, and will thereupon seek an opportunity of revolt? If so, I think the supposition a very absurd one, and the supposed danger, if it were probable, very trifling. The *disadvantage* of any hostile Prince or faction

thinking us weak, when we really are strong, and the advantage of such persons, or of the people at large, thinking us strong when we really are weak, are equally likely and equally nugatory or may very well be balanced the one against the other. The Government need not fear such fancies as a popular belief in its weakness founded on its justice, and ought not to rely on such an impossible fact as its superior physical strength. India could never be held by us as a coherent Empire, as a profitable and useful possession against its population united in revolt or in passive resistance. But our strength will always be overwhelming against external enemies and local insurrection, so long as we preserve a certain moral superiority and retain the general confidence of the conservative classes.

I do not in the least deny or doubt that there are times when concessions would have the appearance of weakness, and of submission to a rebellious or threatening faction, and would therefore be most undignified and impolitic, possibly dangerous. This is exactly what I wish the Government to avoid in the future. This is exactly what Prince Axeem Jah and the leading native inhabitants of Madras, have assisted the Government to avoid, by their prudence and patience in not agitating the question of the Carnatic musnud during the rebellion in Hindoostan. But this is not a period of political crisis or difficulty and no act of grace or restitution could in these days suggest the idea of weakness or of apprehension.

There is another point to be taken into consideration. There are several Dalhousie annexations and

resumptions not less iniquitous in plea and procedure than the two I have mentioned, but in which restitution cannot now be expected, and would not be practicable, politic or just. The policy of annexation has failed and is condemned, but it does not therefore follow that we who openly condemn it, or the Government which has abandoned it for ever, are necessarily bound to adopt an indiscriminate policy of restitution. We cannot shut our eyes to accomplished facts, or lightly shake off our obligations to the people who have, by whatever means, become subject to the British Government. Several of the provinces annexed since 1848 could not now be prudently or justly restored to the representatives of their former rulers. How could we expect good government or a friendly policy from any member of the Oude family, after seven years of hatred, idleness and conspiracy? The widows and adopted son of Sattara, as was but natural after brooding for nine years over their wrongs, were deeply implicated in plots during the most dangerous crisis of the rebellion. We have paid fully for Jhansi in blood and treasure. the Ranees nullified all the rights of her family in the horrors of 1857. And, in addition to all other reasons of policy and of duty to the inhabitants of Oude, we have now acquired that kingdom by the most legitimate and intelligible of all public transactions, by conquest, capitulation, and submission. The chief members of the ex-royal family do not seem to have been implicated in the rebellion, and are still deserving of the most liberal treatment, but after trying conclusions with the entire aggressive population, we alone are entitled and warranted to possess and govern the country.

But the impossibility of restitution in these instances only renders more certain and conspicuous the necessity of restitution in the two cases I have mentioned, which so far from being weakened by any suspicion of hostility against the deprived Princes, are sustained and strengthened by our acknowledged obligations to them for their active assistance and pacific influence at Nagpore and at Madras.

The State of Nagpore was on the whole well-governed, was always submissive and well affected to British supremacy and during twenty five years of purely native administration, our interference was never once required, to check oppression, to keep the peace, or to restore order. The country was annexed, and the Bhonsla family declared by Lord Dalhousie to be extinct, when the heir apparent was not only a regularly adopted son, but was also the late Rajah's grand nephew and a lineal descendant of the Rajah with whom we made the first treaty of peace and amity after the Assaye campaign. And during the perilous emergency of 1857 far from countenancing or joining in any plot or hostile intrigue, the whole family under the guidance of the celebrated Banka Bace, threw all their weight and influence on the side of loyalty and order. Several near relatives of the Ranees, and persons of high consideration at the late Rajah's court, who had declined to take employment under our Government immediately after the annexation, now came forward at the Ranees desire and volunteered to serve in the Irregular Cavalry and in other temporary situations, in order to set a good example, to manifest clearly the intentions of the Rajah's

family, and to restore general confidence in the strength and stability of our Government. The propitious influence and active co-operation of the Nagpore family,—moved no doubt by no romantic love for us, but by their traditional policy and the sound calculations and foresight of a very clever and experienced old lady, the Banka Baee,—were most beneficial in their effect, and diminished the dangers and difficulties of the rebellion by one-half. The link was never forged, for which one well known Mahratta leader alone was wanting, to connect the Deccan and the Carnatic with Hindoostan, the Madras and Bombay armies with that of Bengal, in one electric chain of mad revolt.

The tranquillity during the mutinies in Hindoostan of the city of Madras—supposed to contain nearly 100,000 Mahomedans, and any excitement in which would have immediately spread among their brethren in the districts of Arcot, Cuddapah and Kurnool,—may be entirely attributed to the influence of Prince Azeem Jah and his intimate councillors. In spite of the recent notification he had received in February 1857, that the Court of Directors had rejected his appeal, all the Prince's efforts were directed, quietly but effectually, to suppress the fanatical spirit and the smouldering spark of revolt, which a few words of provocation would have blown into a blaze.

The Secretary of State can make no candid, consistent, conscientious reply to the claims preferred from Madras and Nagpore. Obstinate silence, or inexplicit refusal would not annihilate right, or dispel hope, but would fix indelibly upon the Queen's Government that reproach which, if the opportunity is not lost, may

yet be attributed by history and by popular tradition, with truth and with justice, exclusively to the Honourable Company and Lord Dalhousie

I confess to a simple, old-fashioned notion that it cannot be wrong to do right. I believe that any concession may safely be made if it be royally done. It would be rather injurious than beneficial to the Queen's glory and authority if a Prince of her House were to make a tour through India, receiving homage and distributing a few compliments and decorations, staring and being stared at, and *doing nothing*. If a Prince of Great Britain were indeed to visit India, he should be entrusted with a specific and weighty mission that of completing and confirming the majestic pacification of this great continent which has been so wisely and worthily commenced by Lord Canning, of openly claiming and assuming in person the Imperial supremacy over all the Sovereigns of India, and of effacing in every practicable instance, the traces of a rapacious policy by gracious and royal acts of restitution and restoration. And then throughout the States and Provinces of India, Royalty will become a reality and a fair political stability will be secured, and national progress will be instituted.

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## LETTER XIII.

## PLANTERS AND LANDLORDS

Madras, June 18th, 1861

THERE has been a marked tendency in the more important measures of Lord Canning's administration during the last two years, to revive, extend, propagate, and perpetuate the class of landlords, which under our rule in general has hitherto been depressed and diminished, and to restore and strengthen their social influence and their weight in the country. The orders conferring magisterial powers on so many of the Sirdars of the Punjab, the Oude Talookdars, and the Zemindars of Bengal, and the revised legislation for settling the Bombay Inam estates, are the most conspicuous manifestations of the new policy. To that policy I give my cordial adhesion, convinced as I am, both by history and theory, that the seeds of prosperity and enlightenment can neither spring up spontaneously among the labouring masses of a nation, nor be sown broadcast among them by the action of any Government, however beneficent, but are naturally and certainly produced as the ripened fruit of a wealthy upper class, which unconsciously dispenses its acquisi-

tions among its dependents and inferiors, until with slow but certain development many of those dependents and inferiors become equals and rivals, and the centres of wealth and knowledge are multiplied progressively.

The recent ordinances for the sale of waste lands in freehold, and for the limited redemption of the land tax, were doubtless intended by Lord Canning to complete that constructive and conservative framework which he wished to see spread over India—but I regret to say that I look upon this latter series of measures in a very different light. If they were likely to become extensively operative, which I do not believe, they would prove revolutionary and destructive, rather than conservative. Rules for the sale of public land in the vast unsettled and unexplored tracts of Australia and North America, cannot be applicable or suitable to a populous country like India, the seat of a written law and a complex social economy for the last two thousand years.<sup>1</sup>

Many of our contemporaries, especially in England, seem to regard with favour Lord Canning's freehold regulations, chiefly as affording space and facilities for the acquisition of land in fee simple by European settlers, who now for the first time possessing full command over the soil, and ample sway over the ryots will be able by legitimate influence, persuasion, and purchase to extinguish all minor tenures in their vicinity to reduce the tillers of the soil from their unprofitable position of petty occupants to that of

<sup>1</sup> These rules for the sale of waste lands were after mature consideration so materially modified by Sir Charles Wood, as to render them innocuous—another proof of the benevolent supervision of tropical measures in the cool atmosphere of Downing Street.

paid labourers, and eventually to develope the resources of India in a style and on a scale that has hitherto been totally impossible After giving the most careful consideration to this subject, I have reluctantly arrived at the opinion that all such anticipations are quite visionary , that no large number of European agriculturists can be expected to settle in India under existing circumstances, and that it would be highly impolitic, inexpedient, and unjust to encourage any such persons to come to this country by any special inducements, by the offer of exceptionally liberal terms, or of exclusive privileges I do not believe that English capitalists will ever come to India as planters, and even if they would come, I do not look upon their advent as anything to be desired or invited.

If indeed I thought there were any prospect of English capital being largely invested in land, and that the "resources" of India could thus be "developed" in every direction, on the same plan and in the same spirit as has been done in Malabar by Mr F C Brown, and in Salem by Mr Fischer,—if we could secure for every well situated tract of waste or jungle such a man as Captain Nelson, who has devoted himself for years, with great benefit to the people around him, with great prospective advantage to the revenue of the country, but with small profit to himself, to reclaiming the deserted Zemindaree of Siddapoor in the Kurnool district,—I should say without a moment's hesitation that of such work and of such workmen there cannot be too much or too many in India But while of their own accord, and by their own means,

and without any special encouragement or privileges, a certain number of such men, of each of the classes I have indicated, will always be found at work, the number of such men must always be very limited, and cannot be increased by any legislative or administrative contrivance.

The great merchants of the Presidency towns, who employ agents to grow sugar cotton and coffee, are in fact what the majority of the Bengal indigo planters were only in pretence—capitalists. Mr Fischer purchased the Mootta of Salem for a large price in the open market he has expended large sums on the improvement of the estate, he has made it his home during the last quarter of a century and he intends, I believe, to die there. Captain Nelson is an industrial hero with a strong dash of the ascetic and (as by all accounts he cannot be daunted) I may add, that he is as likely as he is ready to end by being an industrial martyr.

But where are such settlers as these to be found? Candidates for a laborious hermitage and slow martyrdom are scarce. Tropical jungles don't attract moneyed men. A man with £20 000 or so can do very well in England, or can make a fortune in the midst of agreeable society at Madras or Bombay. As to the great mercantile houses, although some of them or their local agents, are to a certain extent land owners or landholders, they are not so by choice they may really be much more properly considered as purchasers and manufacturers of produce than as agriculturists. If in certain localities they do actually grow sugar coffee, or cotton on land in their own

occupation, it is only because no one else grows those valuable staples in the quantity, or of the quality they require; but wherever the natives do grow them, the merchants much prefer confining themselves to making advances and buying, in which operations their command of capital gives them a practical right of pre-emption, while their European connections enable them to sell without delay and to the best advantage. They want the produce, and to get it they will consent to hold land, but they have no vocation as landlords.

No part of the Madras Presidency has ever been cursed with anything approaching to the indigo planting system, which has made the European name so cheap and so hateful in certain districts of Bengal. That system has happily collapsed at last by its own rotteness, and I have no intention of inflicting on my readers any more arguments on a subject which so lately occupied all the newspapers of India *usque ad nauseam*. I merely allude to it as the most striking exhibition possible of what might be expected from an influx of European agriculturists without capital, such as are nine-tenths of the Bengal indigo planters. We do not want planters but landlords.

And while I should rejoice to see any addition to the number of such English landlords as Mr Browne, Mr Fischer, or Captain Nelson, if they could be kept in India, I must frankly avow my belief that any important addition to that number is not to be looked for, and that any incursion of the average, ordinary European planters,—even should they bring a little capital with them, which is highly improbable,—is very much to be deprecated.

The European landlord if not immediately and extraordinarily successful, would be I fear almost invariably exacting and oppressive in good seasons, and unable, or not particularly inclined, to support his poor tenants or labourers in hard times, as would be done by a native Zemindar. For the European in India, more especially in remote districts, is almost exempt from the salutary influence of public opinion in his dealings with his native fellow-subjects. Even if he ever hears of what the natives around him think and say of his acts, he does not associate with them, he is perfectly indifferent to their opinion, and quite independent of their judgment, and his European peers, far and near are very unlikely to hear anything, and are certain to care nothing, about his transactions with his native tenantry and neighbours, unless something should occur amounting to positive criminality and in such a case the spirit of clanship generally makes the social verdict very lenient. It is not so with the native landlord. He may be oppressive, but if so he will certainly hear of it again and there is a limit beyond which any exaction or cruelty will bring popular contempt, reprobation, or vengeance upon him in some form that he and his family can feel.

Then let us suppose, on the other hand, that the European landlord, by dint of his capital, skill, and energy is completely successful, and after a certain number of years finds himself in possession of a noble estate, surrounded by a prosperous and happy tenantry and his rent-roll paid like clock work while a routine of business and a system of supervision have been established, that secure to each his rights, and from

each his regular duties. Now comes the vexatious doubt, the intrusive difficulty which would qualify my satisfaction, a doubt which applies as much to the very best landlords as to the very worst; for—to revert to those representative names which I have already used to illustrate my argument—even if Mr Fischer or Captain Nelson should determine, however great their profits may be, to remain for life in India, who can guarantee that their sons or their grandsons will be content to do so? Is it not far more probable that the successful landholder, secure in his ample rent-roll, will sooner or later hand over his estate to an agent, and prefer to expend his income in the more congenial atmosphere of London or Paris? We know that every successful West India proprietor became an absentee, and that the greatest among them had been absentees for several generations before the abolition of slavery. And for my part I cannot understand what attraction there is in the climate, the scenery, or the society of the East Indies, that should render it a more pleasant place of residence for a wealthy European than the West Indies. If the rich English landholder stays in India after his fortune is made, there must be some mysterious charm in the sacred soil to work such a revolution in his natural tastes and desires, for every other species of Nabob,—civil, military, and commercial,—has always gravitated homewards with the certainty of a physical law.

If then the English landlord is most likely to quit India just when his labours have been most successful, his smiling ryots will lose their best protector just as they have got something of their own to lose. The

master's triumphant exodus will be the commencement of their purgatory. Experience in Ireland and the West Indies tells us what an absentee estate becomes under the management of an ordinary agent. I do not anticipate any such evils for India as already explained, I believe success for Europeans in agricultural enterprises in India to be possible only in peculiar localities, for certain high-priced staples, on a comparatively limited scale, or for temporary purposes of initiation and instruction. There are exceptions to all rules, and there are existing exceptions to this one. I would throw no obstacles in the way of colonists. I would not legislate against absentee proprietors in any part of the world. But I feel it my duty candidly to state that I do not wish to anticipate any arrival of English settlers in India, that I consider any European colonisation of this country to be impracticable and that I would most strongly deprecate all encouragement of such a revolution. Against the Contract Law<sup>1</sup> and generally against all legislation which, by one-sided penalties summarily administered, tends to give an undue advantage to British employers and masters over native labourers and servants, I have always raised, and shall never cease to raise the strongest opposition in my power. The fact that the whole English planting and mercantile community is now clamouring for such legislation, indicates to me that they are, morally, socially and economically in a

<sup>1</sup> Twice passed, in different shapes, at Calcutta, under the influence of the local press and commercial classes, this law was twice vetoed by Sir Charles Wood and received its *coup de grace* from the weighty speeches of two new members of the Governor General's Council, Mr H. S. Maine and Mr R. S. Ellis, in February 1863.

false position They have no stake, they have no ties in the country. They are hastening to be rich, they are hastening to take their riches away, and they can tolerate no opposing rights or interests Let us have English merchants, manufacturers, schoolmasters, doctors, and missionaries , we cannot have too many But Englishmen are not made to be landholders and territorial magnates over under-tenants and minor occupants of another race and colour We do not want planters but landlords

To produce a high state of prosperity in the present state of Indian civilisation, there must be a lord and master, be it only a name, to form a centre of recognised authority, to collect and lead the working multitude and to keep it together But this is work for Natives and not for Europeans The landlord ought to be tied to the soil, born, bred, and destined to leave his bones in it, connected with his tenants and dependents by blood and language, belief and customs Without these powerful ties and genial sympathies, there is no vital and organic connection between the European landholder and the great body of humanity around him , his presence is liable to become that of a foreign and irritating intruder , his absence exposes the whole organisation to a cruel and fatal disease We do not want planters but landlords, and landlords in India must be natives

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LETTER XIV

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PRECEPT AND EXAMPLE

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If I were asked by an intelligent native of India, what are the two great pillars which have so long preserved English society in a state of stable equilibrium, and have made the English nation and Government the most powerful and influential in the world,—I should point to the right of private property in land, and to the complete separation of judicial and executive functions in our administration.

No Asiatic nation under a native Government has ever fully and firmly obtained possession of either of these advantages, and—strange to say—completely English as they are, and tenaciously as we cling to them at home, we have not merely done less than might have been expected towards their establishment in India, but we have actually done much to unsettle landed tenures which we found in existence, and which could scarcely be distinguished from private property, and we have lately adopted, and largely extended, the Oriental confusion of offices in our Non-Regulation districts.

We cannot expect the native Princes to introduce any reform into their administration, which we have not thoroughly naturalised and exemplified in the Provinces under our direct rule. Princes and people are ready enough to learn from us. Imperceptibly and silently, without any formal avowal but not the less with absolute and final effect, the native Princes of India, following our example, have divested themselves of arbitrary power over the lives of their servants and subjects, the most ancient prerogative of Oriental sovereignty. That this has been in a great measure brought about, and is still sustained by the influence of our Residents, and the supervision of the Governor General, is perfectly true, the example was set and has been unremittingly upheld by us, but the doctrine has now been so thirstily imbibed, the lesson so intimately learned by the people of India, that there is no fear lest it should ever be repudiated or forgotten.

The servants and subjects of no native Prince would in these days tamely and uncomplainingly be witnesses of a violent and capricious sentence of death, without the arraignment and deliberate trial of the offender, nor would they tolerate mutilation or other cruel punishment. In what form their disapproval would be shown, and how far their opposition would proceed, would depend upon the nature and circumstances of the case, and would vary in different parts of India, but in many States open resistance would be certain.

This primary lesson of personal rights, and of the sacredness of human life, has been taught by us, and has been learned by the people of India. Would it be unjust to say that it is the *only* lesson that we have

tought them, and that they have learned! It may be replied that if so it is their fault, and that they will not learn but still such a scanty result, such a summing up of "the blessings of British rule, ought to be somewhat humiliating to us, and may I think, be made somewhat instructive.

Beyond this lesson of a greater regard for human life, has our Government practically illustrated and enforced by its policy and example in India, any more of those elementary principles by which our greatness has been secured, and by which alone a civilised, enlightened, and liberal Government would profess to be guided in this latter half of the nineteenth century? Precepts we have had in abundance, and professions have not been wanting but where is the example?

No Government in India, native or foreign, not even the Mahomedan invaders, ever swept away tenures as we have done we have destroyed and upheld them all in turn we established the landlords in Bengal as owners we abolished them, for the most part, in Madras, and made landowners of ryots who were little better than preodial slaves and the effect has been chronic ruin and beggary to all classes. We extinguished the great landlords in the North West Provinces, and converted the village communities into owners, subject for many years to an indefinite assessment, with an effect not much less destructive than the ryotwaree system in Madras. In the Bombay Presidency our great efforts have been directed against the holders of Jnams or rent free estates. Both in the Madras and Bombay Presidencies, however the reduction of assessment in many districts, better communi-

cations and increased exports, have, within the last ten years, led both to an improvement in the revenue from extended cultivation, and to the accumulation of capital. But while the new class has been rising from the bottom, we have lost precious opportunities of obtaining a moral and social influence over the aristocracy of the first growth. They are ruined and hostile, and having by no means lost the natural authority of rank and position, they have imbued with distrust and disaffection even the rude uncultivated yeomen who have risen under British rule.

I do not myself profess to have an abstract and symmetrical theory of property, or of the distribution of wealth, I am not a Proudhonian or a Fourierist. I in fact abhor, as much as Burke did and as Buckle does, all abstract principles of government and of society, I throw to the winds all natural possessions, all fundamental compacts. Political science is an experimental science, and its greatest conquests have been and ever will be achieved, not by skilful dialectics and inexpugnable theories, but by working from the actual to the possible, and by harmonising every change with the human desires, the human habits, and the human knowledge of the time and of the people.

I strongly suspect that the more valid abstract theories, the more compact and finished logic, will be found with Fourier and Proudhon, and their practical though unintentional followers, Mr Mangles, Captain Cowper, and Lord Dalhousie. I suspect that a French communist would have found as good or better reasons for despoiling Mr Mangles and Lord Dalhousie of their estates in Great Britain, and dividing them

among the farming occupants, than they did for ousting the Deccan Inamdars and the Talookdars of Ouda. I have a coarse, vulgar unreasonable, old fashioned love and respect for mere possession, and for mere prescriptive rights, and consider them to surpass all theories, and to supersede all logic. I see that the wealth, solidity and security of England, have arisen from the indefeasible rights of property and especially of private property in land. I see that the family the community and the nation, are all built, and all subsist, upon the strong human desire of individual acquisition, possession, and transmission of property to offspring. History teaches me that the most beneficial revolution in European society and the great stimulus to activity and production, arose from the conversion by royal favour and by violent or fraudulent encroachment, of feudal, communal, and service tenures into allodial estates. This vast and silent change was effected by means ten thousand times more illegitimate than those which have so often distressed the "crack Collector and the Inam Commissioner." But they were natural processes, called for by the gradual wants of society and approved by the general opinion and instinct of both rulers and people. And I see the same tendencies at work in India, the same great conversion of tenures in progress, both under the Mussulman monarchies, and during the Mahratta revolution.

According to Indian principles very similar to those of the European feudal system, the real proprietor of the land was the Sovereign but a distinct tendency and a partial progress, may be traced in the annals of

every native State, Hindoo and Mahomedan, to pass through the feudal Talookdaree, and the service jaghire estate, to an allodial tenure or absolute proprietorship

It was exactly so with landed property in England. The Earldoms were originally granted for life only, and a hereditary succession was imperceptibly established,—as among Zemindars and Jaghiredars in India,—only because the Earl's son was generally so much more powerful than the rest of the Barons in the district as to ensure his nomination upon his father's decease. Both in Europe and in India,—though in the latter country that step was less frequently obtained,—the obligation of furnishing troops to the Sovereign gradually fell into desuetude, or was commuted into a money payment, and the property in land became absolute and complete.

But we interfered in India, and checked effectually that nascent change of tenure which would doubtless have proved as beneficial in India as it has in Europe. Whenever we gained possession of a province we seem to have “cried havoc, and let slip the dogs of war,” upon every one in the shape of a landowner. The more valuable the possession, the more complete and absolute the ownership, the more nearly it approached to a freehold, the more does it seem to have roused the cupidity of our Collectors and Commissioners.

A perusal of the Madras Board of Revenue Minute, of the 5th January 1818, will show how a clearance was made of the great landlords in the districts of Chingleput and the two Arcots. The Board write very much as if they had begun to repent now that

the mischief was done the hereditary Zemindars placed on the shelf with pensions for their lives, and the "rights" of the ryots restored.

"There cannot be any doubt, they say (para. 121) that the greater number of the Zemindars and several of the Polygars also were in fact the descendants of the ancient Hindoo Princes of the country" 122. Whatever may have been the origin of these persons, certain it is that most of them were confirmed by the Mahomedan Government, at the period of their invasion in the hereditary title to collect the revenues of the land which they occupied, on condition of paying to the Government a revenue called a jumma or peahoush'" 134. The ancient Zemindars and Polygars were, in fact, the nobility of the country and though the origin of some of their tenures would not bear too minute a scrutiny they were connected with the people by ties which it was more politic, more liberal, and more just to strengthen than to dissolve.

And we learn from a foot-note to this very paragraph, that the number of these great landlords ousted and pensioned in the Ceded Districts,<sup>1</sup> on our acquisition of the country was eighty. They may have been hard masters, they may have been a set of debauched wretches, "profligate aristocrats," or whatever the pure and virtuous officials of those and these days may choose to call them, but I have a strong notion that the poor ryots of Bellary and Cuddapah have

<sup>1</sup> The districts of Bellary Cuddapah and Kurnool, acquired by the Nizam in the partition Treaties of 1792 and 1799 from Tippoo's dominions were transferred in 1800 to the British Government, to provide for the expense of the Hyderabad Subsidiary Force, and have ever since been called the Ceded Districts.

found the little finger of the Curnum and the Tahsildar heavier than the Zemindar's loins, and that they have found the Collector a poor substitute for the Polygar in time of need

Even at this very moment one of the largest estates in the Madras Presidency is marked for confiscation, one of the oldest princely families,—that of the Sétpati Zemindars of Ramnad,—is threatened with official extinction, on the death of the widow of the late Rajah Ramasamy Sétpati, although that widow has adopted, in due conformity with Hindoo law, and with every local rule and family custom, and with her deceased husband's express authorisation, one of his near relatives, a descendant from their common ancestor, as his son and heir

The rebellion in Oude laid bare the grievances of the Talookdars of Oude, and led to the restoration of their rights. The murder of Mr Manson, Collector of the Sholapore district, by the Nurgoond Zemindar, who was the first among the few Mahratta chieftains that took up arms in 1857, told a tale of the desperate hatred engendered by the refusal to recognise the succession of adopted sons, and was undoubtedly one of the most urgent inducements to that reconsideration of the results of the Bombay Inam Commission, which called forth Lord Elphinstone's admission not only of its iniquity, but of its being "a costly failure" in a financial point of view, and terminated in the repeal of its legislative basis, the reversal of its whole system of procedure, and its reconstitution on more equitable and conservative principles. Cannot the Government of Madras profit by the dearly bought experience of Bengal and Bombay?

The unsettled and perplexed state of the Mirassi question will prove how cruelly our revenue authorities have misunderstood and tampered with a most valuable and beneficial right, and the attack on the Mirasidars is still persistently continued, both by the majority of British officials, and by the entire British mercantile community. Will nothing but a rebellion in the Madras Presidency reveal to our rulers the destructive tendency of their proceedings against certain great landlords, and the inflammatory effect of heart-sickening delay in the settlement of Mirassi rights?

But these injuries to landed interests are not all.—I must add, with the greatest reluctance and shame, that during the last twelve years,—I firmly believe only under Lord Dalhousie's instructions,—we have struck some fearful blows at the sacredness of personal property by our sequestrations and public sales of jewels, clothes, spoons, furniture, cattle, carriages and children's toys at Sattara, Nagpore, Lucknow Tanjore and Madras, the private property of friendly royal families. Nothing but repentance, manifest even if inexplicit, and a series of acts of restitution, can efface those deeds of spoliation, or destroy that evil example, and those wicked precedents, displayed before the Princes of India on so many occasions.

With indefeasible rights of private property in land, and of transmission by inheritance or will, with a total separation of the office of Judge and Magistrate, from that of Collector and Superintendent of Police, and with Judges placed above temptation by large emoluments, and irremovable except on publicly

proved misconduct, any country would be in the certain road to wealth, prosperity and civilisation. With such laws, with such administrative arrangements, we could trust even a Rajah of Mysore to play at soldiers with his little army, to preside at his little Council, and to exercise his little patronage. Without such laws and such a distinction of duties, even the British Government in India may become a tyranny. And much remains to be done, great changes must be accomplished, especially in our Non-Regulation Provinces, before we can be said to have set that example in our own Imperial institutions which we owe to the Princes and people of India. They will not be slow to learn our lessons and to follow our example.

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## LETTER XV

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MYBORE AS IT MIGHT BE

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Madras, April 16th, 1801

I UNDERSTAND that the report which has circulated about Madras for the last week, and which has been generally received either with incredulity or with strong disapprobation, is authentic, and that General Sir Mark Cubbon's last official act of any importance, before making over charge to his provisional successor Mr. Saunders, was to write a despatch upholding the application made by the Rajah of Mysore, and advising the Governor General in Council to restore the government of the country into the hands of the Rajah, its Sovereign.

The grounds of Sir Mark Cubbon's recommendation are said to be nearly to the following effect —that Articles IV and V of the Treaty of 1799 (under which we assumed the administration in 1801) allowed us to bring "such part or parts of the Mysore territory under our direct management, as should appear to the Governor General in Council necessary to secure the regular payment of the subsidy and to render the

funds of the State "efficient and available in time of peace or war," but that the Treaty does not appear to contemplate the perpetual retention of the government in our hands, since all the provisions of these articles are expressly stated to be applicable only "so long as any part or parts of His Highness's Territories shall remain under" our "exclusive authority and control"

In summing up the accounts of his stewardship of nearly thirty years, unexampled in its material success, Sir Mark Cubbon is able to point out that the Mysore State was given over to the Commission burdened with a mass of debts,—partly arrears of subsidy and money advanced by the Government at Madras, partly incurred in the Rajah's household,—which, including interest, has involved the payment of sixty-five lakhs of rupees, but that all these debts have been paid off, and the accounts closed, that the subsidy has for many years been paid in monthly instalments according to the terms of the Treaty, that there is now no reason to doubt that the funds of the State are "efficient and available in time of peace or war," and that consequently no cause remains, under the strict terms of the Treaty, for any longer retaining the Rajah's dominions under the "exclusive authority and control" of the British Government

I do not intend on the present occasion to enter fully upon the questions of the Rajah's rights, or of the policy of ceding, or restoring to a Hindoo Prince's personal rule, any districts that have been completely settled under our system of management, but I wish to draw attention to the fact that in this particular

case of Mysore, the eventual restoration of the country seems certainly to have been intended by Lord William Bentinck, both from his letter to the Rajah in which he terms the assumption of the government, "the course which the wisdom of the Marquis Wellesley established for a *crisis* like the present" and also from the instructions given by him to the Governor of Madras that under the two Commissioners whom he originally appointed, "the agency should be exclusively native indeed that the existing native institutions should be carefully maintained." But while in Mysore the entire fabric of native institutions has been preserved in outline, the original plan of governing by an exclusively native agency under two English Commissioners, was very soon abandoned as impracticable, and English officers were introduced into all the higher appointments. It may be argued, it has been argued, from the results of this experiment that native agency except in subordinate offices is a failure under our legal and orderly system, and that all the district officers, whether they be called Collectors, Deputy Commissioners, or Superintendents, and all the superior Judges, in provinces under our control, must be European.

I allow that the experiment in Mysore was a failure but I maintain that the failure was inevitable, that the experiment of native administration in the higher ranks under British supervision has never been fairly tried, has never been allowed a fair chance of success there or elsewhere.

In Mysore we tried to work our civilised machinery requiring punctuality patience and assiduous attention,

and presupposing the equality of all before the law, with the instruments we found to our hand, with the old set of proud, indolent, corrupt and uneducated native officials We tried to keep a complex and delicate engine at work with unskilled labour For example, the weakest point of the Mysore administration under General Cubbon, was notoriously the judicial department The highest Court of Justice, the Hoozoor Adawlut, consisting of three native judges, which sits at Bangalore, and from which an appeal lies to the Commissioner only on special grounds, has never borne a high character in any sense of the expression. The judges are very badly paid, considering that this is the Court of Appeal for the Principality, the senior receiving only six hundred rupees a month,<sup>1</sup> they have not received what we should consider at the Presidency either a good general education or any sufficient legal training They are merely old men who have had a long practical experience of the primitive law and rude procedure, slightly modified since the appointment of the Mysore Commission, which have been handed down by tradition from ancient times

No attempt seems ever to have been made to obtain men of English education, judicial training and established character, for such offices And yet the remedy was not far to seek or of difficult application. If liberal salaries had been offered (and the revenue of Mysore could easily have borne the charge), competent judges could have been brought from Calcutta, Bombay, or Madras, who would soon have worked a

<sup>1</sup> £700 per annum

reform both in the principles and practice of the judicial department, would have made the bench of the Mysore Hoozoor Adawnt respected, and would have raised at once the reputation of native judges and of English rulers. But no one thought of turning to such men for assistance. No one thought of finding an appointment for any one who was not an English gentleman, a "covenanted" civilian, an Ensign a Lieutenant, or a Captain. Is this last of patronage, is this proscription of native talent, to continue for ever?

As our Government improves, and gains the confidence and adherence of the people as railway communications become perfected throughout India, our provocations and our obligations to interfere with the administration of native States will be multiplied. We must retain our right to interfere and to dictate, wherever it already exists but in order to be able to use it with effect, and without moral disturbance, we must establish a character for disinterested and liberal motives we must dispel by the practical logic of facts the popular belief that we are determined not only to allow the natives no share or voice in the government of our own provinces, and to exclude them from all high and lucrative office, but also to narrow and diminish as much as possible their legitimate prospects and honourable career in native States. We should have natives of our own training planted everywhere throughout India by our special care and influence, to work with us and for us. The tendency of our overwhelming supremacy up to the present day has been the very reverse of this. Our annexations and commissions have swept whole tribes of high functionaries,

replacing them by English officers, while our political agents at the foreign courts of India, far from exerting their great influence in favour of educated natives, have more frequently thrown obstacles in their way Madava Rao<sup>1</sup> is, I believe, the solitary instance of a Hindoo brought up at a Presidency College attaining to the rank of Minister, and I rather think he owed his elevation to the Royal family of Travancore, and not to the Resident's recommendation

The Residents at Nagpore never relinquished or slackened that firm grasp over the administration of that country which was bequeathed to them by Sir Richard Jenkins, but they never introduced, or attempted to introduce, a single enlightened and able native into any department of the Government Several of them jobbed freely for their own dependents, especially just before their departure, each one was ready enough to force his own particular measure down the throats of the Rajah and his advisers, or to insist on the immediate settlement of his own pet case of grievance, and the Rajah seldom resisted for any length of time but not one of them ever thought of strengthening the native administration by bringing a well educated and trained native judge or financier from Calcutta or Madras They would have rejected the notion, if it had ever been proposed to them, with something like scorn and pity at the proposer's ignorance of "political" affairs They had no wish to make the Rajah's weak government, and loose administration, so strong, so wise, so regular and compact,

<sup>1</sup> The present Dewan of the Travancore State

as to render the Resident's interference unfrequent or unnecessary.

The same story must be told of our Residents at Hyderabad. There, undoubtedly our influence has at no time been so oppressive, our surveillance so incessant, as it was at Nagpore. But we have never lost any opportunity of recommending European agency and our recommendations have not been fruitless. Besides the introduction by our influence of well paid Thuggee appointments for English officers, many little occasional jobs of surveying, road making, geologising, and so forth, have, in this and several other native States, been devised by Residents for their relations and friends. The quondam Nizam's Army which has now by the treaties of 1853 and 1860 become a permanent Contingent Force at the disposal of our Government, was in its origin nothing but a gigantic Resident's job all the patronage of which was for years in his hands, and which, though connived at by us, and endured by the Nizam under persuasion and misrepresentation, was not officially recognised by either Government. During nearly the whole reign of Secunder Jah, and until the accession of the present Nizam's father Nasir-ood-dowla, who insisted on their removal, a great part of the Hyderabad dominions was managed by European Superintendents, who collected the revenue, and had extensive magisterial and judicial functions, very similar to those exercised by the Superintendents in the Mysore Commission.

In short, the task of improving the official body might not have been so easy at Hyderabad as at Nagpore or Sattara, but if our Government and its

diplomatic representatives had been half as anxious to see a few of the best qualified natives of the Presidency towns,—men familiar with our literature and science, and imbued with our principles of law and justice,—worthily placed in the administration of native States, as they have always been to provide good appointments everywhere for English gentlemen, it could have been done without great difficulty, and on a very extensive scale.

For instance, within the last three years the present able and accomplished Resident at Hyderabad<sup>1</sup> has very kindly and charitably recommended two recently cashiered English officers for employment as Captains in the Minister's Body-guard, and his recommendations in both cases were successful. If he or any of his predecessors had taken as much, or a little more trouble, and exercised a little more persuasion to lay the foundation of a reform in the courts of justice by importing two or three trained judges selected from our principal Sudder Ameens, or from the most eminent Vakeels at Calcutta and Bombay, he would equally have succeeded, and a great step would have been gained.

But notwithstanding the ability and skill of our representative at Hyderabad, and those good intentions towards the Nizam's Government for which I give him full credit, I suspect that in common with almost all our officials of the old school, those who at present occupy the most important places, he would consider any reform to be dearly purchased by any measure that should render the native Prince and his ministers less dependent upon the Resident for infor-

<sup>1</sup> Colonel Cuthbert Davidson, C.B., since deceased.

mation, less amenable to his authoritative suggestions I suspect that he, and most of his compeers at other Courts, would be terribly jealous and impatient of educated and enlightened natives. The fact is, that according to the accepted traditional language of our Indian political officers all consultations at a native Court to which the Resident is not privy and of which he has not expressed his approval, are called "intrigues." Every man, whatever his rank may be, who has access to the Prince or the Minister and who is supposed to have an opinion of his own, or to give advice contrary to that of the Resident is said to be

a man of an intriguing and turbulent disposition. The frequency of such irregular consultations, the disturbing action of such interloping individuals, would be incalculably increased by placing Hindoos or Mahomedans, brought up and trained in a British atmosphere of legal order and social freedom, in a position where they could make themselves heard by the rulers of a native Principality. An old fashioned Resident would shudder at the mere supposition that the advice of natives might be asked instead of his, perhaps accepted and acted on in preference to his and that reliance might be placed on their experience of Presidency affairs, and their knowledge of our laws and system of Government, which ought to have depended only on his assurances and instructions. An impression, not the less strong for being vague and unreasonable, would be fixed in the old gentleman's mind, that such partial independence of his advice, and freedom from his dictation, must be injurious to British power and influence. He would feel that his occupation was gone.

One prevailing idea hitherto among our governing and official classes has been, that the establishment of English appointments throughout India in constantly increasing numbers, and the exclusion of natives from all high and independent posts, had the effect of extending and confirming the direct influence of our Government. Another prevailing idea has been that educated natives entrusted with power, and raised to dignified positions, especially in native States, would be corrupt, and disaffected, and dangerous to our supremacy. Both these ideas I believe to be fallacious, and unless they can be entirely dismissed as the principles of executive policy, and entirely abandoned in practice, I can anticipate no progressive and permanent improvement in the administration of Mysore, or of any other native State, I can see no probable guarantee for stability and peace, whether the head of the Government is to be a Commissioner, or the Rajah advised by a Resident. If men are never trusted, they will never be trustworthy.

The extension of direct administration and government by natives of English training, both in our own Provinces and in the dependent Principalities, is a matter of the deepest importance, and of the most pressing necessity, and upon it depends the acceptance of European principles of law and society, and of English education in the broadest sense throughout India. The permanence and the glory of our Empire are indissolubly and inextricably bound up with this great act of justice. Its commencement has been deferred too long. We have perhaps never before had so good an opportunity of inaugurating a generous

policy as the reorganisation of the Mysore Government now offers, and if it is allowed to pass away another may not soon be presented.

I have always been among those who maintain that the very fact of our enormous power and virtual supremacy over the native States of India, ought to make us even more scrupulous of imposing distasteful measures and new engagements upon them and more liberal in our construction of their rights and claims under existing treaties, than we should be in dealing with States of greater pretensions and of more independent position. My objection to the policy of our Government during the last thirty years, pushed to a climax of intensity under Lord Dalhousie, is that it has been the policy of an aggressive and absorbing *Kingdom* rather than that of a controlling and protective *Empire*. We have aimed more at extending our boundaries than our laws and customs, more at enlarging our possessions than our moral influence.

But I am far from being of opinion that our power and the duty arising naturally out of that power should be timidly used in controlling and superintending the government of native States. I should rather complain that it has not been used sufficiently and not in the most effectual and acceptable manner and direction.

I consider a treaty between two Sovereigns,—as I do a constitution as between Sovereign and people, whether the one or the other be freely granted or extorted, or amicably concluded,—to be a most solemn and sacred instrument, with which neither party can play fast and loose. A strong Government cannot,

without overturning the first principles of international law, cede, confer, or restore a country to a weak and dependent Government as a free gift, and then at any subsequent period, on any convenient plea, claim the right of cancelling the gift and resuming the country. I believe that the Rajah of Mysore has certain rights under the treaty of 1799, among others that of adopting a son according to Hindoo law, but I believe that the people of Mysore have rights also, and that the British Government has Imperial duties to perform both towards Sovereign and people.

My opinion is that the exclusive administration of Mysore in all the higher and many secondary appointments by English officers, should be much diminished, and the substitution of educated and trained natives as Judges and Superintendents of districts, commenced as soon, and effected with such gradual degrees, as may be consistent with the permanence of all that is good in the existing system, and the reform of all that is bad,—and there are many bad points in it,—but I conceive that this change might be effected, and that the Rajah might be made somewhat less of a cypher, and somewhat more of a Sovereign, without that absolute power being replaced in his hands which he is said to have misused between 1820 and 1830.

The Rajah is entirely in the hands of the Supreme Government. If, instead of a new Commissioner, a well selected Resident, acting under wise and generous instructions, were to be sent to Mysore as the Rajah's Prime Minister, and, above all other conditions, if the Rajah by a solemn and public instrument were to abdicate for himself and his successors all judicial

power original and appellate which should be confined entirely to skilled and learned judges of high rank and emolument, removable only on proved misconduct, there need be no fear of the result. If the Resident, guided and supported by our Government, were to devote his energies to the cautious and gradual introduction of a native official body and of a Council of State to revise the fundamental laws and to control the finances, the Rajah or his successor would in a few years become a constitutional Monarch, and would exercise only those executive functions to which so many Monarchs of Europe have learned, or have been compelled, to confine themselves.

This is a mere outline of the measures to which I should wish to see our foreign policy directed, not only in Mysore, but in every native State in India. This in my opinion would be at once an Imperial and a national work, a policy at once reforming and conservative, controlling and conciliatory. This would solve the mystery of reconciling our material and moral superiority with the inherent rights and legitimate aspirations of the people of India, and of extirpating their most conspicuous evils and miseries by native and natural means, instead of merely suppressing their outward manifestation by foreign, artificial, and repulsive methods. The native cure alone is radical.

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## LETTER XVI.

## REINFORCEMENT AND RECONCILIATION

May 10th, 1861

THE writer of these letters is not a native, his interests, his natural tastes and predilections, his life-long sympathies and daily associations, are all intimately and indissolubly bound up with "the services" and with "home" Yet I find myself impelled by motives of duty to write in favour of what are commonly supposed to be purely *native* interests, and especially to advocate a much more extended employment of educated natives in the higher branches of the public service, and their introduction through British influence into places of rank and power in the allied and tributary States The truth is that I do not consider it either as a matter of purely native interest, or simply as a question of justice to natives I do not think that any Indian question can be viewed in a true light, unless India is regarded as an important constituent part of the British Empire, and not as a conquered country, and a mere dependency upon England, unless the Hindoos and Mahomedans of India are regarded as British subjects, with all the rights, immunities,

and privileges of their European fellows at home and abroad.

What are the rights of a British subject with reference to the legitimate objects of human ambition—rank, and power and public influence, and weight in the national councils? No man, no member of a class in Great Britain, has an inherent right to be a voter or a vestryman a justice of the peace, an alderman, or a Lord Lieutenant,—in short to hold any office, or to enjoy any honour or emolument, which is unattainable by other classes. No class is specially entitled by birth no race is excluded but certain qualifications of property or education are demanded. This statement is quite unaffected by the fact of our hereditary peerage because the restriction of its privileges to the eldest son, prevents it from becoming an exclusive caste and its ranks, far from being closed to the people, are incessantly recruited by meritorious and distinguished persons who have sprung from the middle classes. Any man may rise to the peerage, if he can.

We may also leave out of consideration the two or three great offices of State to which Roman Catholics are still by statute ineligible, because no one now attempts to uphold these restrictions on principle, and although they are still cherished as the landmarks of Protestant ascendancy nobody in the House of Commons defends their existence with any serious conviction but Mr Spooner and Mr Whalley they are not oppressive, but merely anomalous and offensive, and no one doubts that they will disappear some day without any noticeable discussion or struggle, and that no practical result will follow their disappearance.

Besides the rights of open tribunals, freedom of petition, of speech and of the press, the inviolable domicile, and the responsibility of public functionaries to the law,—rights which, the two last in particular, can scarcely be said to exist in any European State except our own, but which we have, practically in the Presidency towns and professedly all over India, bestowed upon the natives,—there is still one right, denied to no one born in the British Isles,—the right of free access to all the legitimate objects of a citizen's ambition, to the honours and prizes of the Empire,—which is closed to Indian British subjects, and which, in their own country at least, ought to be unreservedly opened to them.

It is very true that there is no legal obstacle to the appointment of natives to the highest posts. There are no such insulting and galling restrictions against the advancement of "Turks and heathens," as formerly existed in Great Britain and Ireland in the penal laws against Jews and Roman Catholics. On the contrary, long before the gracious promises of the Queen's Proclamation, it was expressly enacted in the 87th clause of the Act of William IV, 1833, that no person "shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment."

But, speaking candidly, we all know that practically this has been of no avail, and that natives are deliberately and systematically excluded from numerous appointments for which they are perfectly competent, solely on account of their "birth," "colour," and "religion." The greater number of appointments in the

possession of the covenanted Civil Service, are still, probably for a very short time, secured to them by Act of Parliament, and no outsiders have yet been allowed to trespass on those preserves.<sup>1</sup> I have nothing therefore to say on that score at present. But there are other departments to which military officers, and the "uncovenanted" of every race and colour except the pure native, have been admitted. No native has been placed in charge of a district in the Non regulation Provinces,—the Punjab Nagpore, or Mysore,—or even admitted into the list as a regular Assistant Commissioner. Though frequently invested with the same powers and engaged in the same duties as the English officers the native officials, with some of the less favoured of the uncovenanted, are always separately classified under some inferior designation, such as that of Extra Assistant, and thus kept out of the line of promotion. And thus in the Regulation Provinces there is a distinct list of Deputy Collectors and Sudder Ameens, with subordinate functions, undefined rank, and circumscribed prospects.

And if it were now to be proposed to make a native the Superintendent of a district in Mysore or at some future period, when the privileges of the close Civil Service are abolished, if there should be any rumour of a native being raised to the position of a Sessions Judge, or of a Collector no one who knows the traditional prejudices the general tone and temper of the official class, can doubt that the strongest opposi-

<sup>1</sup> Nearly all the appointments formerly reserved for the covenanted service have been thrown open by an Act of Parliament of 1862.

tion would be offered, the most vigorous objections made, not on account of want of qualifications, not on the ground of defects of character, but simply because the nominee was "a native" I wish to see this exclusive and insulting prejudice practically disavowed and abandoned as speedily as possible, before that pressure commences which destroys the grace and favour of concession. I am convinced that the question of the fair participation of the higher class of educated natives in the administration and government of India, will at no distant period, if it be neglected, become the question of the day, and will assume giant proportions

It is chiefly for this reason that I hope the Governor General will never be a man of long Indian official experience, but always a distinguished English statesman, not necessarily a Peer,—though I should prefer one, and even a Prince, if there were one of sufficient age and ability,—but a man used to power, used to view large questions in a large way, free from local attachments, and able to look down with perfect indifference on the petty prejudices and personal interests of the official hierarchy<sup>1</sup> Lord Canning, whatever may have been

<sup>1</sup> Certainly if any one could be expected to rise superior to the failings and prejudices of his class and profession, and to contradict practically my misgivings, it would be the distinguished man who has just been appointed Viceroy of India. There may be exceptions to every rule, but an exception proved in this instance, would not alter the general opinion expressed above, and in the *English in India* (p 188 192). Nor is it probable that a highly successful completion of the next Viceregal term, would constitute, according to my views, a real exception to the rule. The material, and even the moral advantages, to be expected from Sir John Lawrence's administrative skill and experience, and from the great qualities of his mind and character, might appear to me merely negative results, quite overbalanced by the loss of five precious

his short-comings, has never failed in this respect, he has never shown any particular tenderness for the covenanted services the tendency of his policy and of his administrative measures, and the terms of his occasional "allocutions have been generally high toned, impartial, and imperial. Lord Dalhousie certainly was a failure, from want of moral ballast but even he does not form a real contradiction to the rule in the particular point now under consideration. Though tenacious of his viceregal rank and power he was liberal and public-spirited in the disposal of his patronage, leaving many first appointments and many promotions in their own immediate Provinces and departments, to the nomination of the Lieutenant Governors, Chief Commissioners, and other high officials and he himself placed several English gentlemen from the uncovenanted ranks, in appointments which up to that time had only been filled from the Civil Service or the Army in the regular list of the Punjab, Nagpore and Oude Commissions, in the Magistracy and in the Post Office

But neither in Lord Dalhousie's nor in Lord Canning's time, has much been done for the native officials. The salaries of the native Judges are still very inadequate to their services and responsibilities, and quite insufficient to induce a pleader in good practice to accept a judicial appointment. The class of Deputy Collectors and Deputy Magistrates has certainly been

years to the cause of Imperial revival. I would as soon look for a reform of the Church as the bench of Bhopal, or for law reform to the bench of Judges, as to a Bengal civilian and the former Chief Commissioner of the Punjab for those conservative reforms and restorative innovations which must be based on national and professional self-abnegation.

increased in number, but they are destined to remain Deputy Collectors and Deputy Magistrates for ever, subordinate and inferior to the youngest newly-arrived covenanted Assistant or military officer, and incapable of attaining to any post where distinction may be won by original and independent action.

I have never been able to extract from any published work, or from any official paper, or to elicit from any person of Indian experience, a distinct and intelligible argument—apart from the arrogant prejudices of race and religion,—against the elevation of natives to the very highest posts for which they are qualified. When religious objections are openly avowed and displayed, of course there is little scope and little necessity for discussion, we know the old intolerant babble, and we know the peculiar class who give vent to it, we know how useless it is to reason with them, —as useless as to reason with an orthodox Brahmin on his caste prejudices,—and we know how needless it is, for the party, though still retaining an extensive but declining social influence, is politically powerless, and does not count a single statesman of the first, or of the second, or of the third rank, among its adherents.

The *Friend of India*, which has for twenty years consistently upheld a policy of fanaticism and rapacity, and is too well informed not to know how that policy has failed, how universally it is now reprobated in high places, and how impossible it is that it should ever be revived, occasionally sounds its old war-cries with spiteful but hopeless pertinacity. A short time ago I pointed out the *Friend's* extraordinary craze

that Christianity would prevent rebellion, and render large armies unnecessary<sup>1</sup> the Utopian nature of which pretty theory is abundantly illustrated in the history of Christian Europe during the last three hundred years. In its issue of the 2nd May the *Friend* declares that it cannot see any "reason why a Christian people like the English should give equal rights to Asiatic idolators." Now all this one can understand—it is absurd and silly but it is not new or unnatural, or unintelligible. We know that spirit, whence it comes—we have marked it in every era of humanity. It is happily dying out in Europe, except among the Ultramontanes and the Ultra puritans, both of them impotent parties—but we expect it from the *Record*, the *Friend of India*, and Exeter Hall in general and we can afford to let it pass unmolested to oblivion.

But what I do not understand is that the same result,—that of postponing indefinitely the practical admission of the natives of India to equal rights with their British fellow-subjects—is arrived at by so many persons whose political professions are liberal, and who are certainly not blinded by fanatical arrogance, and my great difficulty hitherto unsurmountable, has always been to extract a clear statement of their objection, which generally seems to consist of a vague sensation that any substantial influence and power gained by natives even in the ranks of our administration would be a loss and a weakness to Government. This I believe to be a complete delusion, a desperate political heresy which, if it were adopted by the State, would amount to a confession of the violence, the illegitimacy and the incapacity of British rule.

Can it be supposed that the efficiency of the public service would be impaired? If any man means to assert that we cannot occasionally *select* a better man from the class of educated native officials and Sudder Court pleaders, to be a Judge, or an Assistant Commissioner, or an Assistant Collector, or a District Superintendent of Police, than can be got hap-hazard in the usual way, by seniority or by favour, from the Civil Service or from the Army, all I shall say in reply for the present is that I do not agree with him. I know a little of the "patriarchal" system in Nagpore, the Punjab, and Oude, and of the "heaven-born" system in our older possessions.

But it will be asked, do you doubt that Europeans are of a superior race, more intellectual and more energetic than the people of India, and therefore more fit to rule? This is a most interesting ethnological problem, but even if settled in favour of our largest self-assertions, it would be quite inadequate to decide either the question of policy or the question of good administration. The foremost natives of India, in the present day, may be incapable of the higher achievements of European genius, and yet they may be, as I believe they are, peculiarly competent to give counsel in matters affecting native interests, and to conduct their local affairs. If we are naturally superior, that is our advantage, and a sufficient one, it might be supposed, and one which would be more imposing, and more to our credit, if we talked less about it, and if competition were not forbidden. English horses, I have been told, are excluded from some races in this country, or heavily weighted, because they are so su-

perior in strength and swiftness to the Oriental breeds but I never heard of country bred horses in India, or Arabs in England, being prevented from running because they are so very *inferior*. If we wish to Europeanise and to Christianise the people of India, we must not adopt or tolerate Asiatic forms and pagan principles in our government. If we wish to discourage caste distinctions, we must take care to claim no caste distinctions for ourselves,—above all, not to make European caste the indispensable requisite for high official rank and political influence.

At present European caste is that indispensable requisite. But a still worse feature in our system is that the lust of patronage operates very extensively in both directions,—below as well as above. From time to time, when the man in power or an influential adviser is hard pressed to provide for some expectant, or from sheer indifference to native claims, and sensitiveness to social importance an Englishman or an East Indian<sup>1</sup> with English connections, is thrust into some vacant place which has been previously filled with efficiency by a native, or for which a native is notoriously the best qualified candidate.

It is a mistake to assume, as Parliamentary and literary eulogists appear to do that every English official who supplants a native in a recently annexed Province, or excludes one in a settled district, is necessarily a Lawrence, a Temple, or an Edwardes or that the members of the Indian services are for the most

<sup>1</sup> Such is the vague and inaccurate term by which the class of mixed Indo-European parentage or descent, prefer to call themselves. The old word *half-caste* is proscribed by them as offensive and insulting.

part men of first-rate capacity. A very little reflection would of course convince any one that such a disproportionate aggregation of talent in a body of men so constituted, is simply impossible.

The truth is, that a district or a province in India is very easily managed in quiet times. The people prefer very much being left to conduct the greater part of their communal affairs—rural police, village roads, and small public works—in their own way, without much official interference, and by means of the ancient village organisation, the revenue is paid and collected with marvellous punctuality. There have been at all periods of our rule, and there are now, some Commissioners, Collectors, and Judges, who have been a blessing in their respective localities, who are venerated by the inhabitants, and whose departure would be a signal for universal mourning. There have been, and are others,—a class, I firmly believe, much smaller than the last,—who have discredited our nation and Government by their bad conduct, both private and official. There are many who are accomplished and exemplary public servants. But there is another class,—much too large a class,—the peculiar offspring of the European caste monopoly, composed of gentlemen, really very incompetent, who have, nevertheless, attained to a certain dexterity in getting through business with the aid of clever native subordinates, and in keeping up their monthly returns, their annual reports, and their English correspondence with the authorities at the Presidency. It is thus that a superficial regularity of routine is secured, at the expense of much popular discontent, and of the general

discredit of our administration, more especially in the judicial department.

For instance, it is mainly through the presence in the Magistracy and in the Police, of a certain proportion of English gentlemen who are in a perpetual state of perplexity and irritability from their imperfect knowledge of the language and their want of familiarity and sympathy with native manners and customs, that a certain prevalent class of crimes, which have brought great obloquy on the native character have become possible and profitable. I allude to those cases which too often occupy both the civil and criminal courts,—false claims and false charges and counter charges, supported by elaborate conspiracy false evidence and false documents,—cases which would not have a chance of success before the rude tribunals of a native State, or before a native judge or magistrate of dignified position, and armed with sufficient authority. At present, with our ill-paid native magistrates of inferior rank with an ill paid and corrupt set of ministerial parasites, who pull the wires of the visible judiciary and with an interminable series of appeals no Hindoo Clodius no Sir Giles Overreach, need despair of success until he has gone the whole round of the courts and even then he is pretty sure of getting off unharmed.

But the radical defect and inherent weakness of this exclusive employment of English gentlemen in the higher branches of the public service, consists in a certain consciousness of absolute superiority and privileged security which nullifies both the wholesome fear of public obloquy and the most powerful motives

to exertion. The introduction among them, on an equal footing, of well educated and qualified natives, would excite a healthy emulation and competition, and would necessarily terminate that practical impunity which has frequently screened some of the worst members of the covenanted service<sup>1</sup>. The native officials, however high their position, would be—as ought to be done, especially at first—most strictly watched, and would be reproved, or removed, or dismissed, without compunction, if any error, incompetence or mal-practice on their part, called for the animadversion of Government. It would of course be impossible to apply a lower standard of efficiency, or a discipline more lenient and more lax, to the European officials than to their native compeers.

And to these considerations may be added the undoubted fact, that a native Judge or Prefect would be fully subjected, in all the relations of life, to the public opinion of his town or district, and that if he became justly obnoxious to the community, not only might he be visited with those legitimate social penalties from which the European in a similar position is perfectly exempt, but there would be none of that despair of being heard, and dread of the consequences of such audacity, which too often prevents a complaint being made against an English civilian.

Just in proportion as our direct possessions have been extended by annexation, competent English officers

<sup>1</sup> Sir Charles Trevelyan, when Governor of Madras, was assailed with great virulence in the local English society, and in the Indian press, which chiefly reflects their views, for having on one or two occasions departed from the usual plan of smothering scandals relating to covenanted civilians.

have been more thinly scattered over the country. The Civil Service has been largely supplemented by the Army. Even that source has frequently seemed to be exhausted and promotions have then been made from the uncovenanted ranks,—although as I have already remarked, only for a secondary class of appointments, and not in the case of pure natives. The occasional inefficiency of our civil administrators has long been, and is, a growing evil it threatens to be aggravated by the increased aversion to Indian exile, and the decreased emoluments of Indian service. The evil will assuredly not be mitigated, nor will the risk of flagrant scandal and exposure be lessened, by the spread of education and enlightenment among certain classes of the natives, or by the higher scale of erudition demanded by Government from native candidates for the public service. On the contrary injurious comparison and damaging collisions must necessarily become more common. The native press has received a great expansion within the last ten years and, although there is still great apathy among the mass of the higher and middle class, the germ of political organization exists at the three Presidency cities,<sup>1</sup> and might be found susceptible of a formidable development under the stimulus and agency of talent and self-devotion.

Setting aside all question of justice and imperial policy there seems to me to be no conceivable corrective to this formidable and festering disease in our administration but by the infusion of new blood with a cautious but not a timid hand, from the source that

<sup>1</sup> The British Indian Association with its affiliated branches, and some minor societies with similar objects.

I have indicated When the two races are fairly combined in relations and duties of trust and responsibility, interested in the same great results, and impelled by the same ambitions, their respective good qualities and faculties—roused by publicity and competition—would, I believe, act and react both upon them and upon their work with most beneficial effect to the Empire.

It is very easy to avoid entering on the merits of the question by misrepresenting its proportions, by presenting it in an exaggerated and ridiculous light, by asking whether it is proposed to cashier all the European civil servants, covenanted and uncovenanted, and to replace them by natives, because they would be so much cheaper, whether it would not be advisable to have a native Commander-in-Chief, a native Governor-General, and even a native Prime Minister of Great Britain. To this I should have only to reply that whenever enlightened public opinion points to a native as the best possible Governor-General, I hope the appointment will be made, that whenever a naturalised Hindoo statesman has succeeded in getting a majority to follow him in the House of Commons, I trust he may be made First Lord of the Treasury, and that I am content to wait a few years for those events. But at present enlightened public opinion and official experience do teach us that a few natives,—I believe as yet *a very few*,—are admirably fitted for the highest judicial offices, for the administrative charge of districts, and for seats in local Councils, we want their aid, their counsel, and their support, and I sincerely hope we shall not be much longer deprived of them.

We do not want Hindoos to govern us in Great Britain but to govern themselves in their own country. We must consolidate the interests and the ambitions of England and of India. Until the two races are engaged in common objects, and actuated by common aspirations, our Empire will always remain without the first element of stability. There are no such conservative people in the world as the people of India, if we will only give them something to conserve. But until we give them better men to look up to as exemplars and leaders—higher objects, grander achievements, and more attainable prizes, to admire and to emulate—they will continue to take a pride in the old glories of Sivajee, Tippoo and Holkar and in the recent exploits of Tantia Topree, Kooer Sing, and the Ranees of Jhansi, which we may be sure are very differently related in their annals and their ballads from what they are in our records, and which are by no means of a conservative tendency. A nation must have an ideal.

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## LETTER X VII

## RIGHTS AND TITLES

London, November 1803

EVERY great act of state in India seems to have been planned and executed, every general scheme of Indian policy seemed to have been based, since Lord Dalhousie assumed the reins of power, upon the supposition that India is, and will for ever remain, removed from the arena of European diplomacy. But is this so certain? Have we any permanent security against inquiries and remonstrances that might be both humiliating and embarrassing?

Russia has always resented the objections of other powers to her treatment of Circassia and Poland, and the stern necessity of existence still compels her to protest, though in a somewhat lowered tone, more querulous than threatening, against foreign sympathy with Polish insurgents, and foreign suggestions for their conciliation. But she can no longer avoid or decline discussion. And allowing for the greater force and influence of public opinion, for the outward homage to certain general principles of humanity and justice demanded by the spirit of the age, the heaviest pressure that has been brought to bear upon Russia, the most

efficient obstacle to her summary rejection of all advice, has certainly been found in those Articles of the treaties of Vienna, which were intended to give her the Kingdom of Poland. Every allusion to the violated provisions of those treaties tends to impugn and menace the title of Russia, and to strengthen the Polish cause with the sanction of public law.

Lord Rossell, in his speech at Blairgowrie on the 26th September remarked in very plain and distinct language on the dangerous position into which Russia was falling — “It seems to me,” said the noble Lord, “that it was an act of great imprudence in Russia, when she had the great advantage to have the act of partition condoned, to reject the terms on which, by the treaty of Vienna, that title was, as it were, accepted by Europe. What may be the consequences of that act—what conduct the different powers of Europe may follow are not questions upon which I can properly enter. I merely wish to remark the fact that these conditions, which are contained in the treaty of Vienna, by which Russia obtained the kingdom of Poland, have not been complied with. The conditions of the tenure broken the title itself can hardly be complete.”

So strongly have the Russian statesmen felt this difficulty that they would evidently much prefer to relinquish altogether their acknowledged title under treaty and to claim a new one by right of conquest. Russia may hesitate some time before openly throwing herself into so defiant an attitude, but if pressed too hard by the Western powers, she will certainly do so at last and would then probably find that she had,

both in moral and in logical strength, gained, rather than lost, by the sacrifice Always supposing that the Russian Government could place a well-founded reliance on its material ability, the violated allegiance and two obstinate rebellions of Poland, and the analogy of coercion, when thus forced upon a Government, with conquest, in all its rights and results, would, if skilfully urged, form the most simple answer and explanation possible, to any demand for the constitutional privileges secured to Poland by the treaties of Vienna But situated as Russia is,—not quite confident in her power of internal coercion or of external resistance, not quite insensible to the force of public opinion,—she does not under-rate the advantage of having the letter of the law on the side of her territorial possession, she cannot despise the moral reprobation or the contingent hostility of Western Europe

It appears, then, to me, that we have in India—to adopt Lord Russell's phraseology—committed more than one “act of great imprudence,” similar to that which he considers to have vitiated the title of Russia to Poland, and to justify the interference of Great Britain and France Perhaps the clearest and the most indisputable instance of an imprudent act of state is that of the Carnatic disinheritance

As I have pointed out in Letter III, the British right to administer the Carnatic has been destroyed by the violation of the conditions under which that right was held, while no title to the territorial sovereignty, recognisable by international law or accepted by the people, has ever been acquired or even assumed. The British Government is not even able to plead a

revolution or a rebellion, as Russia does, or to complain of violated alliance or allegiance on the part of any reigning Prince or other member of the Wallajah family or of any of their adherents, or of any inhabitant of the Principality. Nothing whatever has occurred within the last sixty or within the last hundred years, that could authorise any change in the relations between the administering power and the reigning Sovereign, without a special negotiation between all the contracting parties. Everything remains *in statu quo* as in 1763 when the Treaty of Paris was concluded with France, as when the treaty of 1801 was concluded with the Nawab Azeem-ood-dowlah. In short, it is obvious,—to make use again of Lord Russell's own words,—that “the conditions of the tenure being broken, the title itself can hardly be complete.

But the case becomes more perplexed, and more suggestive of future complications and discussions, in view of the fact that the Honourable Company did not act alone, and did not profess or pretend to confer or contribute anything of its own mere motion and inherent authority in any single passage of the formal and solemn documents by which Mahomed Ali was finally recognised in India as an independent Prince. The necessary firman having been procured from the Great Mogul, the Emperor of Hindostan,<sup>1</sup> the next, and most important step of all, was to obtain, in favour of Mahomed Ali, an acquittance for the past, and absolution for the future, of all tribute and allegiance to his immediate superior the Nizam Sooba of tho

<sup>1</sup> He is so termed throughout the negotiations, and in all the treaties and summons: Volume of Treaties, 1833.

Deccan, who had nominated his father, Anwar-oodeen Khan, to the subordinate dignity of Nawab of the Carnatic, then a part of the Nizam's dominions. This was effected after much delay, reluctance, and resistance on the part of the Court of Hyderabad, by the Treaty of 1768, declaring "perpetual friendship and alliance" between the Nizam, the Nawab Wallajah, and the Honourable Company, and in Article VII of which "it is agreed and acknowledged by the said Asoph Jah Nizam-ool-Mook, that the said Nawab Wallajah, his son and their heirs in succession, shall enjoy for ever as an *altamgah*, or free gift, the government of the Carnatic, in the fullest and amplest manner"<sup>1</sup>. Thus, if there were the slightest ground or pretext for saying that the rights of the Wallajah family were extinguished, the Nizam, as the original Suzerain and grantor, might prefer a claim to the reversion of the Carnatic, at least as good, if not stronger, than that of the Honourable Company.

This Treaty of 1768, under which many advantages were gained by the Company from the Nizam, is still in force, it was expressly confirmed by the Treaty of 1800,<sup>2</sup> and the Nizam's Government has never given its consent or adhesion to any alteration of the settlement thereby concluded. Indeed, the Nizam has never been consulted on the subject, no intimation of that settlement having been abrogated, was ever given to that Prince, either in 1801 or at any subsequent period.

Nor is the subversion of that settlement a matter on which the Nizam can be supposed to look with

<sup>1</sup> Volume of Treaties, 1853, p. 123.

<sup>2</sup> D tto, p 146

indifference. Even if we set aside as romantic nonsense all those considerations of common race and religion, and ancestral ties, which might be expected to influence the Nizam—even if we summarily reject, as they would do at Calcutta, any pretensions of the Nizam to an external policy of his own,—there will still remain certain points in the Carnatic case so manifestly affecting his interests, so directly threatening his own possessions, that it would be difficult, if not impossible to evade or resent his demand for explanations. If, after fifty years of uninterrupted civil and military administration,<sup>1</sup> and after two successions, we were entitled,—without form apology or public notice,—to confiscate the Carnatic, and to refuse the stipulated share of the revenues to the Nawab—after how many years of "*exclusive management*,"<sup>2</sup> and after how many successions, shall we be entitled to appropriate the Nizam's two provinces of Berar and to refuse any longer to render true and faithful accounts," and "make over the surplus revenues"<sup>3</sup> annually to the Sovereign of Hyderabad? How this question could be answered, how any distinction could be drawn between the two cases so as to reassure the Nizam's Government, appears to me to be quite an insoluble problem.

There is another similar case impending. In the establishment or revival, under Lord Wellesley's administration, of the Hindoo state of Mysore, the Honourable Company did not act alone, but in con-

<sup>1</sup> The words used in the Treaty of 1801 with the Nawab Azeem ud dowlah.

<sup>2</sup> Terms used in the Treaty of 1833 with the Nizam Haider-ud-dowlah; *A Treatise on Treaties* 1800 p. 0

cert with the Nizam. The Subsidiary Treaty of 1799 with the Rajah of Mysore is declared in the preamble to be concluded in consequence of what was "stipulated in the Treaty of the 22nd of June 1799" (the Partition Treaty of Mysore) "between the Honourable English East India Company and the Nawab Nizam-ood-dowla,"—"for effecting a settlement of the territories of the late Tippoo Sultaun,"—and "in order to carry the said stipulations into effect"<sup>1</sup>. The principle of the original offensive and defensive alliance between the Company and the Nizam was that of "an equal division of conquered territory," as stated in Article VI of the Treaty of 1790,<sup>2</sup> and although Lord Wellesley considered that, according to the letter of the new treaty of 1798, the Nizam could not demand a share in the territorial acquisitions beyond his relative proportion in the expenses and exertions of the campaign, yet the principle of equal division was in fact adopted as the basis of the new arrangements. Indeed, so clearly was the spirit of the long standing engagements between the allies in favour of the Nizam's claim, that the same plan of equal partition was pursued in the treaties of 1804 and 1818, after the first and second Mahratta wars<sup>3</sup>. On both occasions the Nizam received rather more than his fair share of the territories conquered by the allied forces.

The following passages from the contemporary de-

<sup>1</sup> Collection of Treaties, 1812, p 454

<sup>2</sup> Volume of Treaties, 1853, p 133

<sup>3</sup> Volume of Treaties, 1853, pp 157-159. By the Treaty of 1818 the Nizam not only gained an exemption from debts which he owed the dethroned Peishwa, amounting to about sixty millions of rupees (six millions sterling), but cessions of territory which gave him at least eighteen lakhs of additional revenue.

spatches will prove that Lord Wellesley fully acknowledged the Nizam's concurrent right and interest in the disposal and settlement of the provinces conquered from Tippoo

It is almost superfluous to state to you that the whole kingdom of Mysore, having fallen to the arms of the Company and the Nizam, is at present to be considered as a part of their dominions by right of conquest.<sup>1</sup>

From the justice and success of the late war with Tippoo Sultan, the Company and the Nizam derived an undoubted right to the disposal of the dominions conquered by their united arms. The right of conquest entitled the Company and the Nizam to retain the whole territory in their own hands the cession of it to any other party might be a consideration of policy or humanity but could not be claimed on any ground of justice or right.<sup>2</sup>

To have divided the whole territory *equally between the Company and the Nizam* while it would have afforded strong grounds for jealousy to the Mahrattas, would have aggrandized the Nizam's power beyond the bounds of discretion."<sup>3</sup>

The Rajah of Mysore will therefore be restored to the throne and maintained on it under the protection of the Company the Nizam, and I trust also of the Mahrattas, who certainly all have a concurrent and common interest in the exclusion of Tippoo's family.<sup>4</sup>

It surely might be supposed, when a Principality had thus been constructed or reconstituted out of ter-

<sup>1</sup> W. Wellesley Despatches vol. II p. 13.  
<sup>2</sup> Duto, p. 36.

<sup>3</sup> Dlu, p. 2.  
<sup>4</sup> Dlu p. 38

ritories conquered by two allies, and in consequence of the stipulations of a treaty between them, that this settlement ought not to be disturbed, that this Principality ought not to be summarily appropriated by one of those two allies, without the other's consent having been asked, without any previous consultation having taken place, without any explanation or notice having been given The impropriety and irregularity of such a proceeding do not seem to be lessened in the present instance, when we recall to mind that for ten years before and for twenty years after that settlement, those two powers had continued to act upon that principle of equal partition which was the basis of their original alliance , that Lord Wellesley himself declares that the only alternative to the Hindoo restoration, would have been to divide the conquered country with our ally , and that he anticipates the maintenance of the Mysore State under the protection of the Company and of the Nizam<sup>1</sup>

By the Treaties of Vienna, to which France and Great Britain were parties, Cracow and Poland were established as separate States,—the former as a Free City under the protectorate of the three partitioning powers, the latter as a constitutional Kingdom under the Romanoff dynasty, but not incorporated in the Russian Empire The absorption of Cracow by Austria in 1846, and the several encroachments by Russia on

<sup>1</sup> And this reliance on the Nizam's concurrent protection, which I have quoted, is not stated in a document intended to persuade or flatter that Court, but in a despatch addressed to Dundas (Lord Melville), then President of the Board of Control, where no empty compliment to the Nizam could possibly find a place, and where Lord Wellesley would be sure to express himself frankly on such a point

the constitution and separate existence of Poland have from time to time formed subjects of remonstrance and protest by Great Britain and France. Mysore was established as a separate State by the Partition Treaty of 1799 and if its incorporation into the British Empire were contemplated, the Nizam, as joint-conqueror joint restorer and joint-protector would have at least as strong grounds of complaint against Great Britain, as ever Great Britain and France had against Russia or Austria.

Well—it is generally understood that Mysore is marked for absorption at the death of the present aged Rajah and that the same factitious and unfounded plea of a lapse for want of heirs natural, under which Sattara Nagpore, and Jhansi were annexed, is the appointed engine of destruction.

Not only would the Nizam have a good cause of protest against the appropriation of Mysore by the British Government for its own aggrandisement as an unauthorised reversal of the settlement of 1799 as a measure opposed to the traditional policy of his house but even in the case of a genuine and unavoidable "lapse," by the extinction of the reigning family his claim to a partition would be irresistible. If, on the contrary the "lapse" pronounced or prognosticated were not genuine, but, as I contend, factitious and unfounded, the protest and remonstrance of the Court of Hyderabad would be still more formidable and embarrassing.

Of course, it may be said, and it probably would be said by some of the Dalhousie-Resident school of Indian politicians, that any such disagreeable inquiries

by so insignificant a potentate as the Nizam,—“one of our feudatories,” “a mere nobleman,” as the *Friend of India* loves to call him,—would be simply disguised treachery and intolerable insolence, and should be not answered but punished. This slashing style of diplomacy, false in principle, defiant of historical fact and public law, and utterly reckless and hopeless of the future, has been much in favour of late years. In my humble opinion it has never been really successful,—not even in outward show,—and a state of things might very easily and speedily arise, under which its imprudence and impotence would be obvious even to those Calcutta gentlemen who look upon the *Friend of India* as an oracle.

The Nizam is not “a nobleman,” or “one of our feudatories,”<sup>1</sup> but the Sovereign of Hyderabad, and an ally of the British Government. I doubt not that he, and several other Indian Princes, who are, equally with the Nizam, left, under the terms of their treaties with the East India Company, in the possession of absolute local power, and of every prerogative of monarchy, might be induced, by very simple and equitable means, not only to acknowledge the Queen as their Imperial Suzerain, but to adopt, under her Majesty’s guidance and example, a constitutional form of government,<sup>2</sup> and a sound financial system, but this policy

<sup>1</sup> *Friend of India*, June 5th, 1862, “The Nizam, like all his fellow feudatories”—August 28th, 1862, “We would teach great Hindoo and Mussulman nobles as Holkar, Scindia, and the Nizam”—April 23rd, 1863, “A Mussulman noble, our own subject, in Hyderabad,”—and so forth, in the same regal style, on innumerable occasions.

<sup>2</sup> I may observe that in speaking of a constitutional form of government, I by no means contemplate the hasty introduction of representative institutions. What I understand by a constitutional

will never be advanced by false pretensions, or by arrogant misrepresentation.

The Nizam had asserted and secured his independence of Delhi for upwards of forty years before our first treaty with him in 1766<sup>1</sup>. The English have never known the Nizam have never had any dealings or any communications with him, except as an independent Sovereign. Lord Dalhousie himself, while aiming to deprive the Nizam of a large portion of his dominions,<sup>2</sup> observed that he was an independent Prince,<sup>3</sup> and that "the British Government was bound by the solemn obligations of a treaty to abstain from all interference in his Highness's internal affairs,"<sup>4</sup> and had "guaranteed to him the exercise over his own subjects of his own sole and absolute authority."<sup>5</sup> As an independent Sovereign ruling over ten millions of subjects, as the most ancient and influential Musulman Prince in India, the Nizam will not, I think, be generally considered in Europe as a very insignificant personage.

The Nizam in consequence of his great power and Monarch is a Monarch who acknowledges the supremacy of the Law who has divested himself of direct judicial functions, and who carries on the work of legislation by some formal process, which admits, at the least, the full right of petition. I do not call our Government of India a despotism; it forms are constitutional, and present a fair prospect of future popularisation.

<sup>1</sup> Grant Duff's History of the Mahratta 1820 vol i p 478; Volume of Treaties, 1853 p 110.

<sup>2</sup> Papers relative to the Nizam 1851 p. 107 See also The English in India, p 70

<sup>3</sup> Ditto, p 49

<sup>4</sup> Ditto p. 28.

<sup>5</sup> Ditto, p 59. The treaty obligation referred to will be found in Article XI of the Treaty of 1800,—Volume of Treaties, 1853 p. 140

"The Honourable Company's Government, on their part hereby declare that they have no manner of concern with any of his Highness's children, relations, subjects or servants, with respect to whom his Highness is absolute."

influence, his assumed and acknowledged dignity, and independence of all feudal and federal ties, at the period of our first connection with the Court of Hyderabad, and of our uninterrupted alliance during one hundred years of war and peace, has never been required to divest himself so completely of all power of negotiation and external political action, as have, almost without exception, the other Princes of India<sup>1</sup>

He certainly has renounced the right of making war, except under our wing. In Article XVI of the treaty of 1800, the Nizam "engages never to commit any act of hostility or aggression against any power whatever, and in the event of any differences arising, whatever adjustment of them the Company's Government, weighing matters in the scale of truth and justice, may determine, shall meet with full approbation and acquiescence"<sup>2</sup>

But whereas the Nawab of Oude engaged not to open any communication with other States except with "the knowledge and concurrence" of the British Government,<sup>3</sup> and the Rajah of Nagpore to hold no intercourse with other powers, "except through the Resident or other minister of the Honourable Company," while the feudatory and tributary Princes are

<sup>1</sup> The only Prince in India who retains the full power of declaring war and peace, and of establishing diplomatic relations, is the Rajah of Dholpore, a petty State with about 100,000 inhabitants<sup>4</sup>. The treaty of 1805 provides that this State "will remain exempt from all orders of the Adawlut and other demands of the Honourable Company, and Maha Rajah Rana hereby agrees to take upon himself the responsibility of adjusting all disputes which may arise, either external or internal, and no responsibility for assistance or protection remains with the Honourable Company". And there are no restrictions whatever. Vol. of Treaties, 1853, p. 383.

<sup>2</sup> Vol. of Treaties, 1853, p. 149

<sup>3</sup> Ditto, p. 73

subjected to still stricter conditions,—the stipulations made by Lord Wellesley with the Nizam in the treaty of 1800 which have not been modified by any later agreement leave him much more free, recognise his common interest in the pacification and general policy of the Empire and place him in a position of confidential partnership with the British Government.

Thus in Article XV — His Highness the Nizam engages neither to commence nor to pursue, in future any negotiations with any other power whatever *without giving previous notice and entering into mutual consultation with the Honourable East India Company's Government.*" The Nizam agrees to inform and consult his ally before entering on any negotiation, but neither undertakes absolutely to abstain from such negotiation, *after* due notice and consultation, nor to adopt the views of the British Government, if the opinion of the two States should unfortunately differ. He promises, by Article XVI, to acquiesce in the Honourable Company's decision where hostilities have occurred or are likely to occur between his own and some other Government. He makes no such promise with reference to any other cause or ground of negotiation. Still less does he abandon his natural right to discuss and remonstrate with the British Government on any of their measures which may be opposed to his interests, or incompatible with the existing engagements between the two States.

The British Government indeed, fully admits the consultative equality of the Nizam and by Article II it is laid down that if either of the contracting parties "be compelled to go to war then the contracting

parties will proceed to concert and prosecute such further measures as the case shall appear to demand.”<sup>1</sup> I am not aware whether on every subsequent occasion of hostilities breaking out, the British Government has, in conformity with this Article, consulted and concerted measures with the Court of Hyderabad, but it is clear that such a course ought to have been adopted.

Again, it is agreed by Article XII, that “the contracting parties will employ all practicable means of conciliation to prevent the calamity of war, and, for that purpose, will at all times be ready to enter into amicable explanations with other States, and to cultivate and improve the general relations of peace and amity with all the powers of India, according to the true spirit and tenor of this defensive treaty”

Until the accession of Naseer-ood-dowla, father of the present ruler of Hyderabad, in the year 1829, the Nizam, in his correspondence with the Governor-General, had always used the imperial phrase of “*mā ba-dowlut*,” or “our royal self,” while the British Viceroy employed the style of an inferior in rank, calling himself “*niyāzmund*,” or “this petitioner.” The Governor-General, with great judgment, took the convenient opportunity of a new succession to discontinue this objectionable practice, and the correspondence has been since that time conducted in terms of perfect equality.<sup>2</sup> But the long continued form proves how far removed the Nizam’s political position was above that of “a feudatory”

<sup>1</sup> Volume of Treaties, 1853, p 147

<sup>2</sup> The Nizam, by G H Briggs, 1861, vol 1, p 104

Whatever theory in short, may be assumed as to the political demeanour and style proper to feudatory and tributary Principalities, would be by no means applicable to the State of Hyderabad. An animated and persevering controversy on the subject of the annexation of Mysore, or the confiscation of the Carnatic, would be neither unwarrantable nor unbecoming on the part of the Nizam, while it might be most detrimental to the honour and credit of the British Crown.

But some of our Calcutta friends may still declare that our Government would show culpable weakness and timidity if any impertinent interference or inquiries on the part of any native Prince, were tolerated for a moment, or allowed to pass unrebuted, even if unpunished they may treat with derision the military power and resources of the Nizam, and assert that the Governor-General could, as Lord Dalhousie threatened, "crush him at his will"<sup>1</sup> at any time. Perhaps there may be within the grasp of the Hyderabad Government some material and some moral means of defensive war and offensive coalitions, that are very little suspected by irresponsible journalists but as to the immediate result of such a contest, if promptly and vigorously pushed to an issue, there can be no doubt or question whatever. Indeed, I have myself pointed out what appears to me to be the shortest and safest process<sup>2</sup>. But there it is, according to my views, that

<sup>1</sup> Papers relating to the Nizam 1831 p. 49:—see also *The English in India*, pp. 77 79. I have never seen a copy of the Persian original of Lord Dalhousie's letter but it is said that the word officially translated "crush" literally means "trample under foot. Imagine this language used in a time of profound peace to the pettiest Prince or President of Christendom!"

<sup>2</sup> *Ibid.* p. 35

our real difficulties would begin. Without counting the direct cost and known risk of war or coercive execution against a large native State, there would be a great chance of our being driven into annexation, with the inevitable financial loss, further dispersion of the army, and all the occult and cumulative dangers of that delusive policy.

I am not, therefore, ashamed to confess that, on merely prudential grounds, I strongly object to such provocations and temptations being thrown in the Nizam's way, as the confiscation of the Carnatic, or the impending extinction of the Mysore State. I do not like the idea of its being open to that Prince to make demands and remonstrances which could neither be satisfied nor refused, and which, if persisted in, could be answered by no argument but war.

But it is by no means inconceivable that these questions might be raised by the Nizam's Government at an awkward crisis,—perhaps when we had just hanged or transported, or were about to hang or transport, some of the Wallajah family, or some of their hereditary adherents for high treason or sedition, or during some local disturbance or a war in some other native State, or with a European power, when it would be very inconvenient to add to the general excitement or disaffection, or to widen the area of hostilities.

But it is not the Nizam alone, among all the Princes and potentates of the world, who could, in pursuance of a national policy, or in response to an outcry of public opinion, fix upon some Indian grievance or scandal as a point for inquiry and remonstrance.

With the exception of Portugal, closely allied and

almost dependent upon Great Britain, France is the only other European power which has any territorial dominion or direct interests upon the continent of India. Besides the foot hold, as Thiers calls it,<sup>1</sup> of Pondicherry France possesses the four smaller settlements of Karikal, Chandernagore Yanaon, and Mahé.

I have not been able to ascertain whether the proposition was ever seriously entertained by our Government,—but rumours to that effect have prevailed, and it has more than once been discussed both by English and French writers,—that the four minor settlements should be relinquished to Great Britain, in exchange for a proportionate cession to France of territory adjacent to Pondicherry. It appears to me that a negotiation on this subject could hardly be brought to a very advanced stage, without the question of title assuming a very ugly aspect. All the territory surrounding Pondicherry is included in the Carnatic, and if the facts and arguments adduced by me in this Letter and in Letter III, are worth anything, it would be difficult for the British negotiators to show that this Province belonged to the Government which they represented or to show by their credentials that they were duly authorised or vested with powers to treat for the cession of any part of it. All the old treaties, capitulations, and munuds would of course be overhauled on the occasion and there are probably some very curious documents of this description to be found in the French archives.

<sup>1</sup> "Les deux pied à terre de Chandernagor et Pondicherry placés dans la partie Indienne." Histoire du Consulat et de l'Empire Paris 1810 vol. iii, p. 27

The French Government did not acquire Pondicherry, and does not continue to hold it, by virtue of any grant or gift from the British Government. It is true that Pondicherry and the other French settlements were repeatedly captured during war, and restored at the several treaties of peace of 1782, 1802, and 1814, as other captured islands and districts were similarly restored to us and our allies. But this mutual restitution of conquests is not equivalent to a cession, it confers no new title, and cannot amend a defective one, though in each instance it clearly amounts to a recognition by the party which restores the conquered territory. But, for his right against the world, for his answer to any adverse claimant, the restored power must fall back upon his original title. The original title of the French to the site of Pondicherry, and a small adjacent tract, is founded on a grant from the Mussulman King of Beejapore in 1672, confirmed by various sunnuds from the Nizam and the Nawabs of the Carnatic. But the two small districts of Valanour and Bahour, now included in the settlement of Pondicherry, were acquired at some period subsequent to the Treaty of Peace of 1782,<sup>1</sup> having been, in accordance with Article XIV of that treaty, "procured" for the French Government, by the good offices of His Britannic Majesty, from the Nawab Wallajah<sup>1</sup>

The French, therefore, hold at present a part of their possessions in India as a cession, or more probably

<sup>1</sup> Treaty of Peace of 1782, Art XIV — "Pondichery sera également rendu et garanti à la France, de même que Karikal et Sa Majesté Britannique procurera, pour servir d'arrondissement à Pondichery, les deux districts de Valanour et de Bahour" Martens' Recueil, tome III, p 525

as a perpetual jaghire,<sup>1</sup> from that very Nawab Wallajah whom both powers had previously recognised by the Treaty of Paris in 1763 as the legitimate Sovereign of the country. Although four successions have taken place since that Sovereign's demise, although a lineal descendant now claims the succession, the arbitrary decree of the Honourable East India Company declaring that sovereignty to be extinct, still remains unreversed and undisturbed by Her Majesty the Queen. And yet there has been no war or rebellion, no revolution or coup d'état, upon which a new system might have been founded and the arbitrary decree of the Honourable Company is simply known to the world by the silent refusal of Prince Azeem Jah's rights, un justified and unexplained by any visible process, by any public proclamation, or by any diplomatic document. Under these circumstances, it would clearly be as impossible for the French, or any other Government to accept a cession of any part of the Carnatic from the power in whose hands the civil and military administration of that country was placed in trust for the lawful Sovereign as it would be to accept a cession of any of the districts similarly placed in trust by Scandia and the Nizam or of the Ionian Islands, or any part of those Islands, which were by the Treaty of Vienna, and on analogous principles, placed under the protection of the British Monarch.

But this is not all. By Article XI of the treaty of Paris in 1763 it was in fact agreed that the rivalry of the French and English in the Carnatic should cease,

<sup>1</sup> Such was the usual form at that time but I do not know that the French monarchs or their treaties with the native princes, have ever been published.

but on certain conditions, one of which was the recognition of Mahomed Ali Wallajah by both of the contracting parties<sup>1</sup> The struggle for predominancy in the Deccan and the Carnatic, had commenced, and had been chiefly promoted, by the European rivals taking part in the disputed successions and other quarrels of native Princes, and for some years was carried on with varying success, until, during the brilliant career of Dupleix, the dominion of India seemed to be allotted to France But during the Seven Years' war, the dissensions of the French leaders and the incapacity of the French Government, gave full effect to the superiority of British arms, and the French King, while recovering his Indian possessions by the Treaty of Paris, joined with his Britannic Majesty in recognising that Nawab of the Carnatic, whose succession had been opposed by the French and their native allies during the war

The stipulations of the Treaty of Paris, so far as they have not been altered by subsequent treaties, are as much part of the public law of Europe as the Treaty of Vienna The lapse of a century has no more invalidated the former, than the lapse of half a century has abolished the latter The treaty of Paris has never been abrogated as a whole, and Article XI is not one among those Articles that have been annulled or modified by more recent engagements

Nor was it an Article to which the French Govern-

<sup>1</sup> "Et afin de conserver la Paix future sur la Côte de Coromandel et d'Orixa, les Anglois et les François reconnoiront Mahomet Ally Khan pour Légitime Nabob du Carnate" Martens' Recueil, tome 1, p 113

ment agreed without difficulty or discussion. On the contrary the whole history of the negotiation proves that the French diplomatists considered that they were making a great sacrifice, while the British plenipotentiary and the Directors of the East India Company exulted at having gained an important advantage.<sup>1</sup> The Duke of Bedford, who represented Great Britain on the occasion, makes the following remarks in his analytical report on the treaty addressed to the Secretary of State, Lord Egremont. Art. 11 We have carried this material Article in its fullest extent Bengal is extended to the *é tats du Soubah de Bengale* and those limits are explained by my declaration, as pointed out by the East India Directors add to this, that the *Eastern Princes* are acknowledged and the pretensions for satisfaction renounced (without the addition at first insisted on by France), and it clearly appears that the whole of this Article has passed in the fullest extent to the desire of the East India Directors themselves.<sup>2</sup>

And we learn from Lord Russell's Introduction to the Bedford Correspondence, that this same Article XI was the only Article in the treaty which was so keenly contested as nearly to lead to a suspension of the negotiations, if not to a renewal of the war. The Article had been framed by the East India Directors in terms which they supposed would secure all the fruits of their latest successes but after the preliminaries had been signed, they found that the period by which the mutual restoration of conquests in Bengal and on the coasts of Coromandel and Orissa, was to

<sup>1</sup> *Ibid.* p. 97

<sup>2</sup> Bedford Correspondence v. 1 p. 103 104

be regulated, had been injudiciously stated as "the time of the war breaking out in the year 1749," under which condition the French would have retained and reentered upon several extensive districts, and the Duke of Bedford, therefore, on their urgent representation, insisted that the draft should be altered in the definitive treaty, so that the regulating period should be thrown back to "the commencement of the year 1749"<sup>1</sup>

"The French ministers," says Lord Russell, "demurred. The Duke of Bedford said, in that case he could only demand his passports, and lay his case before Parliament. The Duc de Choiseul knew his firmness, respected his straightforward character, and yielded the point"<sup>2</sup>

The Article as ultimately agreed upon, was clearly intended upon both sides to be at once a compromise, and a pledge of future non-intervention Mahomed

<sup>1</sup> The Article as finally settled stood as follows —

"Great Britain shall restore to France in the condition they now are, the different factories which that Crown possessed, as well on the coast of Coromandel and Orissa, as also in Bengal, at the beginning of the year 1749. And France renounces all pretensions to the acquisitions which she has made on the coast of Coromandel and Orissa," (Fort St David, Cuddalore and its dependencies,) "and his Most Christian Majesty shall restore on his part all that he may have conquered from Great Britain in the East Indies during the present war, and will expressly cause Natal and Tampanouly" (Bencoolen) "in the Island of Sumatra, to be restored. And he further engages not to erect fortifications, or to keep troops in any part of the dominions of the Subadar of Bengal, and in order to preserve future peace on the coast of Coromandel and Orissa, the English and French shall acknowledge Mohammed Ali Khan for legitimate Nabob of the Carnatic, and Salabut Jung for legitimate Subadar of the Deccan, and both parties shall renounce all demands and pretensions of satisfaction, with which they might charge each other or their Indian allies, for the depredation or pillage committed on either side during the war"

<sup>2</sup> Bedford Correspondence, Introduction, p xxiii

Ali, who from the first had attached himself to British interests, was now recognised by the French. Salabnt Jung, on the other hand, who owed his elevation to Bussy and had always been friendly to the French and obedient to their influence, while his brother Nizam Ali was hostile to them, was acknowledged by the British as Nizam Subadar of the Deccan.<sup>1</sup> But, although the French Government, after some years of war and after exhausting all the resources of diplomacy consented to give up the contest in Southern India by recognising our ally it does not at all follow that they could by any means have been induced at that time to consent to our taking possession and assuming the sovereignty of the Carnatic, any more than France and Russia, though agreeing to place the Ionian Republic under British protection would have consented in 1815 to resign those islands to Great Britain in full possession and sovereignty—any more than Great Britain, Spain, and Austria, though tolerating, and perhaps approving of the occupation, would now as a matter of course, consent to the French assuming the sovereignty of Mexico. It has been remarked by one of the ablest modern writers on History and Politics as a science, that at the epoch of the Peace of Paris, the French by no means despaired of regaining their share of influence and power on the continent of India. "In the East," says Heeren, from the time England established herself in Bengal, (1763) the pro-

<sup>1</sup> It happened that while the negotiations were proceeding in Europe Salabnt Jung was dethroned & imprisoned by his brother Nizam Ali who put him to death soon as the terms of the treaty of Paris became known. Mills History book IV chapters III, IV and Viii.

ponderance was clearly in her favour France, nevertheless, still retained hopes of being able to restore the balance”<sup>1</sup> It is quite clear that, by the treaty of Paris, the French Government not only did not acknowledge British sovereignty in the Carnatic, but actually joined with Great Britain in effecting a settlement which forbade and precluded the assumption of British sovereignty And they have never consented to that settlement being disturbed , they have no official cognisance of its ever having been disturbed.

Some writers on international law, and some eminent diplomatists, have on particular occasions upheld the position that the specific provisions of previous treaties are annulled by war, unless expressly renewed and confirmed by the terms of the subsequent treaty of peace But this principle has seldom been maintained in argument, and never practically enforced, without considerable limitations and exceptions On the other hand, many celebrated jurists have declared that, although suspended during hostilities, all old established treaties,—if not absolutely and manifestly incompatible with an altered state of affairs produced by the war, and recognised by the new treaty,—are revived in full force on the conclusion of peace Thus Vattel pronounces that “to take up arms for a fresh cause is no breach of the treaty of peace” “It is of great importance to draw a proper distinction between a new war and the breach of an existing treaty of peace, because the rights acquired by such treaty still subsist, notwithstanding the new war”<sup>2</sup>

<sup>1</sup> Heeren’s Historical Treatises, Oxford, 1836, p 338

<sup>2</sup> Vattel, book iv, chap iv, London, 1811, pp 446, 447

The more matured and modern doctrine seems to be that which was eventually admitted on both sides during the negotiations at Ghent, which preceded the Treaty of Peace between Great Britain and the United States in 1815 namely that there are treaties and parts of treaties which, by their nature, are irrevocable and unalterable, while other treaties, or some of their particular stipulations, may be fairly said to have expired by lapse of time, or by the force of unforeseen circumstances. The English plenipotentiaries on this occasion, at first asserted that certain privileges of fishing off the coast of Newfoundland, secured to American citizens by the treaty of 1783 were abrogated by the recent war. The Americans protested against this rule and contended that this treaty containing the first general recognition of their independence, their territorial boundaries, and the other fundamental bases of their separate existence as a sovereign state, was intended, and must be considered to be of perpetual and unchangeable obligation.

It is to be observed, says Sir Robert Phillimore, referring to this discussion, in his Commentaries on International Law "that England did not wholly traverse this allegation, but denied the application of this principle to the provision relating to the Fisheries.

" It appears, he continues, to the writer of these pages, that the doctrine intended to be conveyed in the English note was in harmony with that conveyed in the text, namely the doctrine that there is a distinction between the parts of a Treaty which recognise a principle and object of permanent policy and the parts which related to objects of passing and temporary expediency.

"Nor is this doctrine at variance with the opinion of Mr Wheaton himself, who says in one part of his *Elements* —

"General compacts between nations may be divided into what are called *Transitory Conventions*, and *Treaties* properly so termed. The first are perpetual in their nature, so that being once carried into effect, they subsist independently of any change in the sovereignty and form of government of the contracting parties, and although their operation may in some cases be suspended during war, they revive on the return of peace, without any express stipulation. Such are Treaties of cession, boundary, or exchange of territory."<sup>1</sup>

The same distinguished authority, Wheaton, in another passage, still more pertinent to our inquiry, remarked that "the reasoning of England seemed to confine the perpetuity of obligation to recognitions and acknowledgments of title"<sup>2</sup>. It is precisely within this category of "recognitions and acknowledgments of title," that Article XI of the treaty of Paris must be classed. This Article was, as pointed out by the Court of Directors in their letter to Fort St George of the 9th March 1763, at once a recognition and acknowledgment of Mahomed Ali's title as legitimate Sovereign of the Carnatic, and of our title to the territories held under grant from that Prince<sup>3</sup>. Indeed,

<sup>1</sup> Phillimore (R J) *Commentaries on International Law*, vol III, pp 668 9

<sup>2</sup> Wheaton's *Elements*, p 341, quoted in Phillimore's *Commentaries*, vol III, p 668

<sup>3</sup> I have already extracted this passage at p 97, but I annex it here for more easy reference — "A farther advantage we hope to derive from the recognition of this Prince" (the Nawab) "and of

from the peculiar terms of the Article this recognition might well be held as a guaranty of the sovereignty to the family of Wallajah by the two great European powers. And the contemporary English historian, fully qualified to represent the general opinion of the day seems to have taken exactly this view of the Nawab Wallajah's position

His nabobship being guaranteed to him by the late definitive treaty between Great Britain and France, he possesses a greater security of power than any other Prince in Asia.

The Carnatic has lately been an important scene of war and the circumstance of the Nabob of Arcot being the first Asiatic Prince who had his dominions guaranteed to him in Europe renders him an object of public attention, exclusive of his unassailed reputation for honour and fidelity to the British nation.<sup>1</sup>

The provisions of Article XI of the Treaty of Paris, involving a principle and object of permanent policy<sup>2</sup> "relating to cession boundary and exchange of territory"<sup>3</sup> and to "recognitions and acknowledgments of title"<sup>4</sup> are clearly of perpetual obligation. And in making use of this term — perpetual obligation,"—I am very far from asserting that these provisions were, or are utterly incapable for ever of alteration,—that they could not be modified or nullified

but that "the title you will see is also acknowledged is that it is a confirmation of our title to the territories we hold under grants from those Princes and a further security to the peace of the country leaving the French no colour to interpose a crest in favour of any other pretenders to the sovereignty of the Deccan or the Carnatic."

<sup>1</sup> Dow's Hindostan 1770, vol. ii, pp 396-399

<sup>2</sup> Phillimore, ante p. 308

<sup>3</sup> Wheaton, ante p. 332

<sup>4</sup> Wheaton, ante p. 339

by conquest or compact, by mutual consent, or, for good cause shown, by due notice and warning to the parties concerned. All that I assert is this,—and I am quite confident that no jurist in Europe would controvert it,—that there having been no subsequent modification by war, or conquest, or compact, no consent having been given by any of the parties concerned, no notice or warning having been communicated to any of those parties, even the ordinary means of public exposition by a manifesto or proclamation having been neglected or avoided, the provisions of Article XI of the Treaty of Paris, and also the provisions of the treaty of 1768 with the Nizam, and of the treaty concluded with Azeem-ood-dowla in 1801,<sup>1</sup> being by their nature and essence of perpetual obligation, are still in full force, and are binding upon all parties, and that any suspension of these provisions, especially under the continuous protest of the injured party, is simply a wrongful and contumacious act, of no effect towards the acquisition of a title or the extinction of adverse rights, but affording fair ground for remonstrance and intervention to any power who may be interested in the maintenance of those provisions

And it has just been remarked, that the provisions of Article XI of the treaty of Paris amount to a guaranty of the Carnatic musnud to the Wallajah family, by Great Britain and France. Now, it is precisely in cases where a guaranty has been given, and

<sup>1</sup> It must always be borne in mind that by Article II of this treaty, all the favourable provisions of former treaties between the Nawabs and the Company, were expressly renewed and confirmed  
*Ante.* p 66

where the interests of third parties are concerned, that remonstrance and intervention are unanimously pronounced by the greatest juridical authorities to be justifiable and obligatory

"Treaties," says Sir Robert Phillimore, "may concern not only the contracting parties, but third parties, who may or may not be literally contracting parties in the first instance, but the protection of whose interests, or the maintenance of whose *status*, may be the object of the treaty."<sup>1</sup> And this distinguished jurist explains in another part of his *Commentaries* that every State may in certain circumstances be under "the necessity of intervening in the relations and, to a certain extent, of controlling the conduct of other States and this where the interest of the *intervener* is not immediately and directly but meditately and indirectly affected. And among the circumstances and sanctions which, by the common consent and practice of nations, appear to justify this intervention, he enumerates the Rights and Duties of a *Guarantee*.<sup>2</sup>

And the same author declares that even the general right incident to every State of adopting whatever form of government whatever political and civil institutions, and whatever rules she may please,<sup>3</sup> is subject to a limitation in the instance of a *guaranty* given by a foreign nation, either generally to secure the inviolability of the provisions of a particular treaty or *specially* to support a particular constitution or form of government established in another country

<sup>1</sup> *Commentaries* vol. II p. 6.

<sup>2</sup> *Ditto* vol. I p. 434

<sup>3</sup> *Ditto*, vol. I, 470.

or to secure some particular possession, or other individual object appertaining to it."<sup>1</sup>

Both the French treaty of 1763, and the Nizam's treaty of 1768, contain just such a guaranty in favour of the Wallajah family, just such a security for their possessions, as seems to be contemplated by Sir Robert Phillimore in the passage last quoted. And I think I may now claim to have made it abundantly clear, that those same provisions of the treaty of Paws,—hailed by the Court of Directors as at once confirming Mahomed Ali's title, and the British title to possessions held under that Sovereign's grant, and as "leaving the French no colour to interpose hereafter,"<sup>2</sup>—do now, in their actual state of wrongful suspension, leave the French the very best possible colour to interpose, and would justify such an interposition by the established canons of international law.

It may undoubtedly be urged with considerable effect, that my appeal to international law is extravagant and delusive, that the treaty of 1763 has expired by lapse of time, by force of altered circumstances and subsequent war, and for want of special renewal in the last treaty of peace, and that any French interposition, founded on its provisions, would be a transparently dishonest pretext for premeditated hostilities.

I am not prepared to abandon easily the position which I have taken up, and which I believe is susceptible of being strengthened by many additional facts and illustrations. For instance, our Government, in the matter of the Spanish marriages in 1846, main-

<sup>1</sup> Commentaries, vol. 1, p. 441

<sup>2</sup> *Ante*, p. 97, and note, p. 359

tained that France was still bound by the stipulations of the treaty of Utrecht (1713), notwithstanding the several wars, revolutions, and changes of dynasty and the want of specific renewal in treaties of peace since its conclusion.<sup>1</sup> And we are now charging Russia with a breach of the treaty of Vienna, regardless of the revolutionary war of Poland in 1830 and of the Crimean war although that treaty was not renewed, or even mentioned, in the treaty of peace of 1856. Both German and Danish politicians, and disinterested European diplomatists, are in these very days referring to a treaty of A.D. 1460 and even to the decretals of Charlemagne, to decide on the rights of succession to the sovereignty in Schleswig Holstein, and on the popular privileges of those duchies. But the absolute validity of the argument, and the strictly legal justification of the supposed French intervention, are really points which I am not concerned to press. If I have shown the possibility of a plausible remonstrance, I have done all that is necessary for my case. Every experienced Indian official however much he might combat my general views, would I am sure, agree with me here,—that the mischief would be done by a remonstrance that if once the native Princes and people were assured, at some critical period, of a strong interest in their affairs and in the destinies of India, manifested by a great European power a serious shock would be given to British supremacy and our influence would commence to decline. A most damaging effect

<sup>1</sup> Philmore's *Commentaries* part III. And see a pamphlet and manuscript C in *MS. Addit. 26. 1. 1. 10* (1713) attributed to the Montpensier Marquis (Ridgway 1810?) attributed to Lord William Hervey Secretary of Legation at Paris and quoted with approval in Philmore's *Commentaries*.

might be produced at the proper opportunity, without any hostilities, or menace of hostilities, or unfriendly demonstration. No one, I presume, can doubt that we did, for a time at least, very much strengthen the hands of the Polish insurgents by our gentle inquiries and mild remonstrances

We have set the example on many occasions,—most of them very proper occasions—of lecturing Sovereigns on the duties of mercy and conciliation, of deprecating political severities, and advocating amnesties and concessions. Some day our lessons of humanity may be retorted upon us with crushing effect. There are two inevitable fatalities of our rule in India,—as of every nation whose destiny it has been to rule an alien race—the first, that we shall never have a general or very extensive rebellion, without atrocities, the second, that we shall never put down a rebellion, without employing atrocities for the purpose—not perhaps deliberately by the orders of Government, but in the stress and agony of each local reign of terror, and in the fury of retaliation. I am not here apportioning either blame or approval, the question does not require me to do so. That such have been the phenomena of every important rebellion, in every part of the world, down to the present day, and that they are likely to reappear in any future Indian rebellion, will not, I think, be disputed. And it will hardly be disputed that the display of these phenomena in any part of the Empire, can never contribute to the honour of the British Crown and nation; and might afford a subject of reproach against us to our enemies and rivals.

Some people may say that it would be very difficult to get up the slightest interest or excitement about India, in France or any other country of Europe. I am not of that opinion. I am rather inclined to think that a more lively interest in Indian politics, is felt in France and Germany than in Great Britain and that a selfish familiarity has bred something like contempt among us, for that wonderful continent, and for the races who had built its renowned cities, cultivated its vast plains, and constructed stupendous works of public utility long before the era of our commercial and official occupation<sup>1</sup>. Political foresight cannot exist, except under the influence of the imagination and the generous emotions. Perhaps the arrogance of race, the dictatorial habits, and the supercilious feelings in which we English indulge, may blind us to the latent energies of the Indian people, and conceal from us—even when the curtain is about to rise,—the part they yet may play in the world's drama. An impartial foreigner informed by history—which we despise—and inspired by high thoughts and human sympathies,—which we should reject as romantic illusions—may be better qualified than any of us, to appreciate the present capacity of the Indian people, and even to forecast their future destinies.

Our human interest in the social and political progress of India—apart from that interest that may be

<sup>1</sup> "The French and Germans, said Besschid Pa to Mr Senior "think that the strength of England is in India; that if you lose India you sink into a secondary power like Holland. (*Senior's Journal in Turkey* p. 117 quoted in *The Empire* by Professor Goldwin Smith p. 237). I agree with Mr Senior and Professor Goldwin Smith, that this is a great mistake; but it bears witness to the ordinary continental opinion of the importance and value of India to Great Britain.

called national and selfish,—has been so deadened by the satiety and security of long possession, that it would sometimes appear as if nothing less than a terrible war or a bloody rebellion, could make us realise the weight of our moral obligations. The events of 1857 did rouse the nation to something like enthusiasm, and under its influence—and in spite of the irresistible exasperation of the hour,—many noble principles were avowed by statesmen of all parties, some of which were embodied in the Royal Proclamation, the great measure of replacing the delegated authority of the Company by Her Majesty's direct rule, which in ordinary times would have met with a formidable opposition, and with no cordial support, was successfully carried through Parliament; and an Imperial system for the first time became possible.

But the excitement soon died away, upon the restoration of order. When none but financial difficulties remained, and when even these were surmounted, the season of self-complacent apathy set in once more. We have sung “Te Deum” so often, and so long, over our military and administrative triumph, that we seem to have forgotten the check and the humiliation, the fearful cost and the permanent loss, we seem not to perceive how much for which the rebels were instinctively fighting, has been conceded, how much of the fruits of victory remain with the vanquished.

It would be easy to adduce evidence from the political literature of the continent during the last five years, that foreign politicians, more dispassionate, and less biased than we are, comprehend very clearly that the Indian Empire has entered on a new phase of its

existence and that they are watching the course of events with very considerable interest. Of course, just as our attention to Indian affairs is roused, and our interest heightened, by war and rebellion, while it slackens during peace and prosperity so it must be among our European neighbours. The most unexpected combinations might present themselves during a general war. Our insular position renders us peculiarly unavailable at home and we have been accused of abusing this advantage, both by opportune aggressions, when anything was to be gained, and by selfish abstention and isolation, when no immediate profit was in view. A hostile or rival power might therefore be induced, or compelled, to turn to India, to find the means of annoyance and retaliation, to occupy and divert our strength—or to convince us by judicious pressure without war of the solidarity of our fortunes with his own.

With a little more gallantry with a few positive exploits added to his negative strategio feats, Tantia Topeo would soon have become a Hindoo Garibaldi. Indeed, about the time of his capture, he was becoming an object of interest in Europe and a few months more of his daring raid through Central India—even though amounting only to a successful evasion of our forces,—would have raised that interest to a much higher pitch. Of course I would not for a moment compare the deeds or the motives of the Brahmin rebel, with those of the Italian patriot though I dare say the Pope, the Emperor of Austria the King of Naples, and their adherents do not look upon Garibaldi with much more respect and admiration than we do upon

Tantia Topee But distance lends enchantment to the view And it is not a very wild supposition that some day there might be a Tantia Topee of a higher type, of greater talents and of loftier character, with a better cause and a better cry before the world , there might be a rebellion with a more definite and comprehensible origin and object than that of 1857. There are signs that India is becoming conscious and reflective If we despise those signs, there may be "an idea" about India yet.

By the treaty of Vienna, the French Government is bound not to erect fortifications upon any of its Indian settlements, nor to maintain in them "a larger number of troops than are necessary for the purposes of police." This stipulation is very indefinite and discretionary. During the crisis of 1857, the military force at Pondicherry, usually consisting of two hundred sepoys, was strengthened by a detachment of French soldiers, which has not, I believe, been withdrawn from that post since the restoration of tranquillity In the midst of the alarm and anxiety of a great political and social convulsion, it would not be easy to calculate the exact number of troops required "for the police" of the French possessions Another still more formidable rebellion, especially if it had originated, or were complicated, by a war with one or more of the native Princes,—might reasonably alarm France for the safety of her own "footholds" She might even feel compelled to turn one of her footholds into a stronghold. It would be difficult to enforce the restrictions of the treaty, if the honour of the French flag were threatened, either by a rebel force, or by the

army of a native Prince. We might not, for the moment, be in a position to offer assistance or the offer—an offer of the military occupation of French territory—might be declined—with thanks.

Perhaps the terms of disarmament imposed upon the French settlements, are counted among those parts of the treaties of Vienna which have "crumbled away" or from which British encroachments—for instance, this very matter of the Carnatic—have taken away all the binding obligation. There were no such disabilities in the treaty of Amiens. Or even if their nullity has not already been pronounced *in petto*—to be asserted openly or quietly included, at the first convenient occasion,—their reimposition, after they had been infringed with our consent or acquiescence, during troublous times might be found to be quite unsuitable to the epoch or incompatible with the honour of a great power.

But is there not an idea about India already? Is there not an old and permanent idea about India and the East—older than General Bonaparte's invasion of Egypt and correspondence with Tippoo Sultan,—and of which the permanency may be suspected from the favour shown to the Suez Canal scheme from the expeditions to Annam and to Syria, from the officious help pressed upon Great Britain in China and from the costly line of mail steamers,—based on a very small trade and a very large subsidy—recently established in the Red Sea and the Indian Ocean? In deed, I am perversely disposed to see the permanency of the French idea still more transparently exhibited in the two friendly offers made by the Emperor on

the arrival of the most alarming news from India in 1857, of a body of troops to assist in suppressing the rebellion, and of safe transit for our own reinforcements through French territory to Marseilles. Even the sympathetic paragraphs in the *Moniteur*, alluding to these friendly offers, and declaring the complete suppression of the rebellion to be essential to the progress and civilisation of the world, tend rather to confirm than to dispel my feelings of distrust.

The first Napoleon's hankerings after Syria and Egypt, his aspirations after "ships, colonies and commerce," did not originate with him; they were thoroughly French; he inherited them from his predecessors, the Kings, they have descended in full force to his successor, the present Emperor.

We may deride such aspirations; we may boast that our colonies are the fruit of genuine emigration and national enterprise; that the richest Provinces of our Indian Empire were acquired involuntarily, in the process of self-defence, by a mercantile Company, against the wishes of the home authorities, and that our trade and our merchant navy—the foundation of our maritime strength—are the natural growth of the people's genius, and owe nothing to governmental interference. Perhaps we are rather disposed to under-rate our obligations to the Government, but on the whole this immemorial distinction may be drawn between the two nations, that in France political action, domestic and external, proceeds from the Government,—in England from the people. So long as the ruling power is strong and active, the French believe in it, trust it, and submit

to it, much more than the English do. The fact is that in France, as in other European countries blessed with the same gigantic apparatus of centralisation, a larger proportion of the national intellect and ability is found in the ranks of the official hierarchy than in Great Britain—not simply as a consequence of greater numbers, but on account of the better prospects and higher career that are open to men of talent. Many a French Minister many a French Ambassador has begun life as clerk in a public office. No such promotion has ever been known or is likely to take place in England.<sup>1</sup> The official class in France, stronger than ours in number in talent and in social consideration, and yet more popular in its origin, forms a most important element in the national life, and exercises a direct power and a pervading influence over the supreme ruler and his immediate advisers, and over the press and the people to which no parallel or analogy can be found in Great Britain. And thus it is that French foreign policy is so persistent and traditional, and that French public opinion on foreign affairs is always in the main the official opinion.

There can be no doubt that the Indian idea exists in the French bureaux in a very perfect form feathered and armed, and ready for display whenever

<sup>1</sup> Our popular institutions, and the powerful influence of the press, produce an effect on the prospect of our Civil Service that is decidedly prejudicial to their interests, and exactly contrary in its results to the general tendency of the French administrative system for to satisfy claims established in our elective chamber or to submission to the pressure from without our Government occasionally interpolates an outsider into one of the highest permanent posts in some public office over the heads of all the old servants of the department.

an appropriate crisis may arrive A treasure of documents, protocols, capitulations, and other *pièces justificatives*, could be produced from the national archives, and complete plans for active operations, founded on the best information, from the earliest period up to the present day, would certainly not be wanting, if matters ever arrived at that height

The present Emperor, as I have already remarked, has adhered very closely to the traditional French policy in the East, and the following passage from his speech on opening the Legislative Chambers in November 1863, does not show any intention of departing from it —

“The distant expeditions which have been the subject of so much criticism have not been the result of any premeditated plan, they have been brought about by the force of circumstances, and yet they are not to be regretted How, in fact, could we develop our foreign commerce if, on the one hand, we were to relinquish all influence in America, and if, on the other, in presence of the vast territory occupied by the Spaniards and the Dutch, France was to remain alone without possessions in the seas of Asia.”

There is a singular reticence in this declaration, for surely there is a power in “the seas of Asia” of much greater importance than either the Spanish or the Dutch power, another nation occupies a territory in the East, much more “vast,” and infinitely more wealthy, than all “the possessions of the Spaniards and Dutch” combined. No allusion to that power, or to its Eastern dominions, is made in this part of the Imperial speech, but some people

have learned to consider Louis Napoleon's silence as more expressive and more ominous than the most explicit avowal of his intentions.

The loss of Poland would certainly not destroy or impair the power of Russia in the East. Without Poland the Russian Empire would still include a population of fifty millions. The irreconcileable and unconquerable hatred of the Poles, and the European opinion in their favour would obviously make the loss irretrievable and final, all hope of aggrandisement and dominant influence in the West would disappear for ever and an expansion of Russian interests and influence in the East, would appear to be among the necessary consequences of the alteration of her frontiers, and diversion of her strength. Relieved from a heavy burden and constant source of anxiety in the West, the real amount of her military force disposable in the opposite direction would be absolutely augmented.

We may have made an awkward precedent by our ostentatious declaration of neutrality on the breaking out of the slaveholders' aggressive rebellion in the United States, and by our prompt acknowledgment of the Confederates as lawful belligerents. This precedent would of course be very much strengthened, if France or England, or both powers combined, were—as has been urged upon them—to recognise the belligerent position of the Polish insurgents.<sup>1</sup> There are several

<sup>1</sup> I am not to be understood as objecting to the recognition of belligerent rights, either in the actual instance of the slave holding Confederacy or in the contingent instance of Poland. I am not arguing either the moral or the international question. I simply point out that the precedent does constitute a danger for us. It may be a necessary danger or it may be a danger worth facing.

native Princes in India, whose status as Sovereign powers, and whose right of levying war, are much more clear than those of the rebel States of America, or the anonymous National Government of Poland. Under certain circumstances a very profitable trade in arms and munitions of war might spring up, and it would be very difficult to establish an effective blockade of all the coasts in India, or even to enforce an embargo in all its ports

I am not going to sketch out a scheme for invasion, or intervention, or intrigue in India, but I shall not be easily persuaded that all such schemes must for ever be visionary, impracticable or ineffectual. I shall not be easily persuaded that a naval expedition of 15,000 men to some suitable place of disembarkation in India, is an impossibility, or that such an expedition would not be in the least facilitated by several establishments in the Eastern seas. The difficulties and dangers of an invasion of India, by sea or land, are sufficiently obvious, but the former process has been very much simplified by the employment of steamers, and by the experience gained in the Crimean and Italian wars, and in the invasion of Mexico, while, as to the latter, I cannot understand why Nadir Shah's enterprise of 1739, or that of Ahmed Shah Abdallee twenty years later, could not be repeated in this century, with a force much smaller in numbers, but more formidable in *matériel*, mobility, and discipline, than that of the Persian or of the Affghan conqueror. Both Nadir Shah and Ahmed Shah found auxiliaries in India, and so might a European invader. Indeed, if his military chest were suffi-

ciently well supplied to enable him to pay his way without plundering, for a few months, he might soon—without counting on captured treasure or the contributions of native confederates—begin to make the war support itself by the collection of revenue.

But it must never be overlooked that even an unsuccessful invasion of India might shake the British power to its base, and, notwithstanding our apparent triumph, might disorganise the military strength, and scatter the moral elements of our administration. The rebellion of 1857 cost forty millions sterling another uprising, more generally supported by the native Princes, and by European aid, would probably destroy the financial resources and credit of India, and throw a direct burden upon Great Britain. The inhuman exasperation on both sides, the waste of blood and capital, the perversion of every principle of justice, and the hopelessness of reconciling order and progress, would soon render our continued domination an utterly hateful idea both to the patriot and the philanthropist, and would disinchane the great body of the nation for any further efforts or sacrifices in a cause so unprofitable and so inglorious.

At last then, it may be said, the author has betrayed himself—he appears in that miserable character of a prophet of evil which was so eagerly disclaimed in the first page of this book. I deny it. I still disclaim that character. I have indeed pointed out what appear to me to be certain defects and dangers in our situation, and I have endeavoured to dispel the notion of our absolute security from European interference. But I have not attempted to predict any particular course of events

On the contrary, no one can be more impressed than I am with the belief, that the next crisis or convulsion in India will arise in some quite unnoticed quarter, and from causes as yet quite unknown or unsuspected. And if I have shown how the moral aspect of British supremacy has been marred and blotted by Lord Dalhousie's acquisitive operations,—how the spirit of that policy has led, and is still leading, to a general deterioration of title, and relaxation of pledges, and to the accumulation of scandals and grievances that may be turned hereafter into formidable engines for our annoyance,—I do so, not only as an Englishman, as a loyal subject and servant of the Crown, but as a citizen of the world, who recognises the great mission confided to the British nation in India, and who believes that mission to be threatened, and its permanence endangered, by the faults which he has endeavoured to expose

I do not fear France or Russia, but I do not run into the opposite extreme of despising either their material power, or the force of public opinion in Europe. And I object to supply topics and temptations for reproach and remonstrance. Still less do I fear the Nizam, or a coalition of native Princes. But rather than drive them into distrust and disaffection, I would rally them round the Imperial throne, both for the security of the Empire, and in the cause of civilisation and progress. I fear neither invasion nor rebellion, but I wish always to feel that the right is on our side. I wish to see every source of moral weakness, every subject of rebuke, obliterated. I desire the rights of every one to be respected, in order that our own may

be strengthened. I would have the title to each Province and each village, made so clear and so secure, that we may be able to hang, or fight, all gain-sayers—domestic or foreign—without compunction, with a good conscience, and with a good story for the world and for posterity

I do not despair of the Empire in India. I should take little interest in its future, if I thought that its past and its present were all barren. It is not because we have done so little, but because we have done so much, that I wish to see our work consolidated, and naturalised. If I call for a certain measure of restitution it is not merely for the redress of a grievance, not as a mere act of abstract justice, not as an act of contrition, but as an act of faith and hope. There is no faith, and no hope, in a policy which is afraid or ashamed to do justice, and to make restitution. That is the policy of defiance and despair. Far be it from us.

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## LETTER XVIII.

## A GOLDEN BULL.

London, December 1803

Is there any one who supposes that India is a source of military strength to the British Empire? Can any one fail to see that it is a serious burden in time of peace, and threatens to strike us with paralysis in time of war? It is becoming every day more difficult to recruit our army; and, as the condition of the people amends, and wages rise, it is to be hoped that recruiting may become even yet more difficult. Improvements in the soldier's treatment and prospects—partly rendered necessary as an attraction for a labouring class better instructed and more prosperous than they were during the last great war, partly attributable to the growing spirit of human brotherhood—may continue to fill the ranks of the army, perhaps with a fair proportion of better men, but every amelioration of the soldier's lot, every advance in the quality of the recruit, will of course add to the costliness of the establishment. The time may not be far

distant when the important and irrevocable step of raising the scale of pay will have to be taken.<sup>1</sup>

Seventy five thousand of these precious British soldiers are locked up in India<sup>2</sup> where by death, and by disease, five thousand men are annually expended or incapacitated for work and where all who survive, must be exposed for long years to the miserable weariness, the incurable *tedium vita*, and all the enervating and demoralising effects of military service in tropical Asia. Seventy-five thousand men, the prime of the physical force and manhood of Great Britain—a host that, at an opportune conjuncture, might dictate terms to Europe—are to be shut up wearing their hearts out in their Indian prison, while, for want of their assistance, some noble cause is neglected or abandoned, while national honour is compromised or lost. For not a man could be safely withdrawn from India in the event of a general war. As I have explained in the last Letter it would probably be our most vulnerable point and we might have to augment considerably our forces in the East,—not only in India, but in Burmah, at Aden, at Singapore and at our settlements in China.

There seems to be a very general impression that

<sup>1</sup> Until discipline can be maintained in the army—and in the navy also—without the disgusting and degrading infliction of torture until dismissal from the service is a severe penalty and a real disgrace in itself of a boom, as at present; until each man is legally entitled to his discharge in time of peace, on giving a fair notice; our military establish him not cannot be considered to stand on a safe or solid foundation. We may be entitled even while systematic enticement and representation are practised to boast of voluntary enlistment but no candid person can pretend that there is voluntary service in our army.

<sup>2</sup> I prefer this and, if we include the returning and relieving troops the discharged men and invalids.

our military forces in India—both in case of a regular war, and of a rebellion—will be immensely strengthened on the completion of the railway system, that distances will then be annihilated, the delay and fatigue of marching abolished, and that our European troops being thus preserved in better health and strength, and having become practically ubiquitous, their numbers may be much reduced I believe this impression to be well-founded to a very limited extent only If the Government of India were simply engaged against a foreign invader, against a hostile native Prince, or an insurrection of circumscribed proportions,—the population in general being quiescent and taking no part—we should doubtless enjoy all the military advantages of the most perfect and rapid communications But rails are easily torn up, bridges are easily destroyed. If war were aggravated by insurrection, if foreign invasion were complicated by general revolt, I am afraid that the railway system would soon prove to be of little or no value, even if it did not, through the undue confidence of strategists, become a snare and a cause of disaster The following paragraph appeared in all the daily papers in August of this year —“No less than about twenty thousand men, we learn from Russian sources, are required at this present moment as a safeguard for the Petersburg-Warsaw railway At every bridge there is stationed a military camp of between 600 to 1000 men, and the whole length of the rails is watched by patrols marching up and down from station to station.” And the Special Correspondent of *The Times*, in a letter dated from Richmond, 19th November, 1863,

tells a similar tale of the heavy demand for men to protect the railways during the military operations in the United States.

"It is already very manifest that the Federals are realising the difficulties of repairing railroads for hundreds of miles through a country bitterly hostile to them, and in which every bridge and every yard of trestlework has to be vigilantly guarded by night and day. To repair and keep in working order the railroad from the Mississippi to Corinth, and from Corinth to Chattanooga, would require 70 000 Infantry and 30 000 Cavalry."<sup>1</sup>

The distances to be traversed and watched in India, may be very fairly compared with those in Russia and America, but the Viceroy of India could not so easily as the Emperor of Russia, find twenty thousand trusty men to guard a thousand miles of railway. If the requisite line ran through our own peaceful districts, or through the dominions of a friendly Sovereign, this duty would be almost unnecessary or might be performed,—as the ordinary work of the intelligence department would be—by our own irregular cavalry and the auxiliary troops of our ally. But if the whole country were up, if the spell of supreme authority were broken and wild hopes and fears were spreading terror and treachery everywhere, this duty could not be entrusted to doubtful friends nor could the Government afford to fritter away thousands of European troops in small detachments and in exposed situations. It is obvious, therefore, that the system of railways, as an element in our military strength is liable to fail to pieces at the moment of our greatest need.

<sup>1</sup> *The Times* January 1st 1861.

But even in quiet times, and when no exceptional difficulty is apprehended, the relief to be obtained from the completion of the railways has, I fear, been much over-rated. A few stations, perhaps, might be given up, but the most important strategetic points,—such as Allahabad, Cawnpore, and Poonah—many great centres of population and political feeling—such as Lahore, Calcutta, Bombay and Delhi—must still be occupied with an imposing force, and, on the whole, while the area and the population to be protected and kept in order, remain undiminished, I do not think the military burden can be much lightened.

I can see no prospect of the military burden ever being lightened, except by the encouragement and development of the native Principalities, by placing confidence in them, and by leading them to place confidence in the Imperial supremacy of the British Sovereign.

The policy of annexation has failed; it is condemned by its results. This is now very generally admitted. Far from augmenting our revenues, as Lord Dalhousie pretended, the confiscated provinces, each and all, have steadily, since their incorporation with British India, exhibited a deficiency which no fiscal skill can diminish, no cookery of accounts can dissimulate. The Punjab, Sattara, Nagpore, Jhansi and Oude, had effectually disturbed the financial equilibrium before the rebellion came upon us with its four years' disastrous balance sheets, and forty millions of debt. Far from the transfer to our rule being hailed as a blessing by the people,—“whose best interests,” as Lord Dalhousie professed to believe, “would be

thereby promoted, —it was in every instance received with disgust and discontent and the repeated shocks to our moral superiority inflicted by so many instances of rapacity and bad faith, did more to create the feelings and excite the hopes that led to the rebellion of 1857 than all the material weakness on our side, all the temptations and religious excitement on the part of the rebels, that were observed at the time, or have been subsequently detected, suspected or imagined. Far from consolidating our military strength, as Lord Dalhousie predicted, the policy of annexation is proved to have scattered and frittered it away and to have converted more than one important city or district into a centre of disaffection and conspiracy requiring to be watched and over-awed by troops at every time of excitement or difficulty instead of being, as it formerly was, and would always have been under a tributary native government, a bulwark and break water against rebellion, a centre of conservatism in time of peace, a rallying place for our adherents, and a resting place for our troops in time of war.

The threatened absorption of Mysore, on the demise of the present aged Rajah, deserves, therefore, our careful attention—not only on account of the just grounds of remonstrance which, as I have pointed out, would thereby be afforded to the Nizam—not only with regard to the threatened rights and interests of the Rajah's family and clan,—but also as the first infringement of that general pledge in favour of the existing native sovereignties, contained in the Queen's Proclamation and confirmed by Lord Canning's latest measures.

That Lord Canning did really meditate the annexation of Mysore, is, I fear, placed beyond a doubt by the fact that he tacitly, but very effectually, excepted the Rajah of Mysore from the benefit of the *amende honorable* to Hindoo Sovereigns, which was based on the Adoption despatches of 1860<sup>1</sup>

When all the other Rajahs of India received the assurance in a circular letter from the Governor General, that Her Majesty desired the dignity of their houses to be perpetuated, and would for the future recognise the right of succession by adoption, no copy of this letter was sent to the Rajah of Mysore, and this letter, representing Her Majesty's intentions to be confined to "the several Princes and Chiefs who now govern their own territories," was expressly worded so as to exclude the case of the Rajah of Mysore, and his case alone, by this captious and accidental distinction<sup>2</sup>

The administration of the Mysore territories was assumed by the British Government, and carried on

<sup>1</sup> *Ante*, p 131

<sup>2</sup> The following is a translation of one of these letters —

L S

To

RAJAH RAVI VURMAH,

&c, &c, &c,

OF COCHIN

After compliments — Her Majesty being desirous that the Governments of the several Princes and Chiefs of India who now govern their own territories should be perpetuated, and that the representation and dignity of their Houses should be continued, I hereby, in fulfilment of this desire, convey to you the assurance that on failure of natural heirs, the adoption by yourself and future rulers of your State of a successor according to Hindoo Law and to the custom of your race, will be recognised and confirmed

Be assured that nothing shall disturb the engagement thus made to you, so long as your House is loyal to the Crown and faithful to the conditions of the treaties, grants or engagements which record its obligations to the British Government

in the Rajah's name, by virtue of Articles IV and V of the treaty of 1799. There certainly is nothing in the nature of those provisions of the treaty or in the actual continuance of our administrative intervention that can affect the Hindoo law of inheritance, or weaken the rights of an adopted son. But according to the Rajah's interpretation of the treaty to which I have briefly adverted in Letter XV<sup>1</sup> in which I may self concur and which to say the least, is not deserving of hasty rejection this administrative intervention ought long ago to have ceased. If, therefore, the Rajah had resumed his active functions either by the favour and good will of our Government, or as he contends he should have done, by right, when the payment of his debts and the improvement of the revenue had removed all fear of his insolvency he would then according to the terms of Lord Canning's circular have become entitled to adopt a successor. And thus, upon the disputed construction of Article IV of the treaty would come to depend not only that temporary question of the Rajah's personal rule, to which alone the Article was meant to refer but also the vital question, unimagined by those who framed the treaty of the extinction or perpetuation of this ancient Hindoo sovereignty.

I shall be excused from recapitulating in this place the arguments fully stated in Letter V on the Right of Adoption. I shall simply declare my opinion founded on those arguments, that the Rajah of Myore in common with all other Hindoo Princes, and in common with all other Hindoos, can legally exer-

<sup>1</sup> ante p 2310

cise that right, and that an adoption, affording, as it does, the only channel by which the nearest collateral or cognate can succeed, cannot reasonably be considered either as a privilege or as an unusual process, but is an essential and indispensable incident of the Hindoo law of inheritance. The Rajah has, I believe, several grandsons in the female line, and the act of adoption would convey to one of them, or to any other person legally eligible, an indefeasible title to the succession, and to the sovereignty of Mysore. In short, while highly applauding—as a graceful retreat from an offensive and untenable position—the general plan and object of Lord Canning's circular, I must repudiate the notion that the Rajah of Mysore, or any other Hindoo Sovereign, ever had, or has now, any need of the Viceroy's permission, in any form, as the preliminary or as the ratification of a fully effective adoption. I regret that a copy of the circular was not sent to the Rajah of Mysore, but I cannot allow that his rights, or the rights of his family, are in the least diminished by that omission.

That significant omission, and the more significant terms of the circular itself, indicate Lord Canning's intention to carry out the annexation by that process of claiming a "lapse," for want of "heirs natural" and for want of the ruling sanction to an adoption, which was so destructive in Lord Dalhousie's hands, and which Lord Canning himself seemed to deprecate and to abandon, in the Adoption despatches of 1860. And it is very remarkable that Lord Canning, in his determination not to allow the coveted revision of Mysore to escape, was not content with reproducing this

discredited and discarded engine but was prepared, if necessary to take stronger measures, and to nullify the Rajah's rights with a still more cruel weapon,—a weapon used by Lord Dalhousie only in the Carnatic spoliation—to deny that the sovereignty of Mysore was hereditary to declare the treaty of 1799 a personal treaty made only for one life, and renewable merely at the good pleasure of the British Government as a matter of grace and favour

Such at least is the only meaning that I can attach to the following passage in a letter addressed by Lord Canning in 1861 to the Rajah of Mysore, in reply to one in which that Prince, claiming the restoration of his executive authority had alluded incidentally to the "rights of his successors. Referring to the share of the net revenue of his country secured to the Rajah by Article V Lord Canning proceeds thus — This provision is the only right that your Highness can claim under the treaty of 1799 It is a personal right, not a heritable right, and would not be claimable even by a natural born heir<sup>1</sup> This extraordinary interpretation of "a treaty of perpetual friendship and alliance,"—worthy of the shade of Lord Dalhousie, and the bodily presence of Colonel Durand,<sup>2</sup>—clearly rests upon nothing but the absence of the words "heirs

<sup>1</sup> These papers have not to my knowledge been published; but I have seen a small printed collection, and the accuracy of my citation though only from memory may be relied on

<sup>2</sup> Collection of Treaties, 1812 p 451.

\* Who originated the last plan of annexation,—that of Dhar,—happily rendered abortive by the firm and repeated rejection of the Court of Directors, and of two successive Secretaries of State Lord Stanley and Sir Charles Wood. See House of Commons Papers Principality of Dhar April 18 9

and successors," which all writers on international law declare to be an accidental and insignificant circumstance

The treaty of 1799 declares itself to be perpetual, and to be made for important public objects, it is therefore a real and not a personal treaty<sup>1</sup> Whatever the ancestors of the Rajah of Mysore or himself may have been at certain periods, "feudatories of Beejapore," or "state prisoners of Hyder,"—taunts that are thrown in his teeth, by the before mentioned Calcutta missive, in a manner that appears to me most indecent—he was certainly recognised, and constituted by a solemn treaty, as the reigning Sovereign of Mysore, and an ally of the British Government The dignity of a reigning Sovereign is essentially hereditary in India, as in Europe There were ancient precedents in the British annals for the creation of life-peerages, yet our House of Lords lately refused to admit their validity, but there are no precedents whatever in the annals of Great Britain, or of India, for the creation of life-sovereignties, of sovereignties terminable at the will of one of two perpetual friends and allies

Notwithstanding the very generally acknowledged iniquity and impolicy of persistent and systematic annexation, the case of Mysore has been represented as quite exceptional and peculiar It has been urged, in addition to arguments drawn from the growing value and capabilities of this country, that it is so completely encircled by British provinces, that it would be highly impolitic and unadvisable to perpetuate the

<sup>1</sup> *Ante*, p 69, 70

separate jurisdiction. Twenty five lakhs of rupees, one quarter of the actual gross revenue of Mysore, are paid annually under existing engagements as a subsidy to the British Government. I do not believe,—and judging from past experience of our annexations, I do not think any one can reasonably maintain the probability—that Mysore would ever under our direct management, produce a larger annual surplus, applicable to Imperial purposes, than this.

If the course of annexation be resumed in the tempting instance of Mysore, a long series of similar temptations will be re-opened, and every little sovereignty embedded in the British dominions, will be doomed to assimilation in its turn. For although the large revenue of Mysore—a million sterling per annum<sup>1</sup>—makes it appear a more than usually desirable acquisition, there is really no special cause that can render its appropriation more defensible than that of any other State in India.

If there were any weight in the considerations founded on the geographical position of Mysore in relation to our immediate possessions, it would not be difficult to show that there is nothing exceptional in that position and that those considerations must be equally true of Travancore Bhopal Kolapore Rewa and many other Principalities while every inclusion of a new province within our jurisdiction will obviously draw the not closer will tend to embed or encircle those who have hitherto felt themselves to be secure.

<sup>1</sup> The charges and liabilities are of course in proportion; and as I have already stated a quarter of the income is payable to the Imperial treasury.

All the plausible and familiar topics of the horrors of native misgovernment and the blessings of British administration, could be paraded with equal effect in the case of most native States, as in that of Mysore

The truth is that we have taken no steps, at least no proper steps, to induce the adoption of reforms in the government of native States Our diplomacy in India, since we began to feel our undoubted supremacy, has been of the rudest and coarsest description, and though widely differing in its tone and tendency from that of our allies or opponents, little more refined or more intellectual We dictate and bully , they prevaricate and postpone , they in general have to submit, sometimes we are deceived or tired out

The exigencies of European negotiations, the vast interests and balanced forces engaged, and the brisk combat of wits that may be expected, compel the Government to employ as its representatives none but men of known qualifications, practised powers, and of cool and persuasive manners and temper But in dealing with Oriental States, the arrogant confidence of overwhelming power has led us almost invariably to despise argument or conciliation, to refuse an equality of standing to native negotiators, always to present our ultimatum at an early stage, and to enforce its acceptance by the display or menace of warlike preparations The hopelessness of getting their arguments patiently considered, and in most cases their inability to frame arguments that would have any weight against our fixed determination and impatience of contradiction, have led the ministers of Asiatic States into a settled system of delay and passive

obstruction as the only means to retain or regain their most desired objects. Ever since the full establishment and consolidation of our power by the Marquis of Hastings, our Indian diplomacy has not only been meddling, overbearing, and rapacious, but has been eminently unsuccessful in securing its avowed objects, and dangerous and disadvantageous in the results which it has actually produced. It has not succeeded in protecting the subjects of native States from oppression, where oppression undoubtedly exists—it failed in Oude—it has effected no reforms in Hyderabad, it is impotent in Rajpootana. This general and notorious failure, and the consequent complete want of weight in the counsels of Government of our old political officers,—who with all their faults, were generally in favour of maintaining the native Princes—enabled Lord Dalhousie to carry out his policy of systematic annexation.

We cannot now control or coerce Princes or ministers or the refractory feudatories of a native ally without incurring odium and suspicion. No one gives us credit for good motives. We have lost our moral hold over the passions and prejudices of India, we have forfeited our right of correction, by our want of good faith and moderation. Any pressure exercised upon a native State, or upon any one within its boundaries, is looked upon as the preliminary step to annexation.

And while the threatened resumption of Mysore shows how well founded and how reasonable these suspicions are and how necessary it is for us, who disapprove of Lord Dalhousie's measures to guard

vigilantly against fresh violations of principle, a very recent transaction in the Rajpoot State of Oodeypoor, tells but too plainly that the traditions of the Caleutta Foreign Office still reign triumphant,—that not a glimmering notion prevails of reforming native administration by native and natural means, and that no possible intermediate policy is conceived to exist, between the blind support of local authorities, and the summary substitution of European officials. The Maharana of Oodeypoor, the head of the Sesodia family, and of the Sooraj-bunsee, or Solar tribe of Rajpoots, pretends to a direct descent from Ramchunder, the mythological monarch of Oude and conqueror of Ceylon, the hero of the national epic poem, the Ramayana, and who is worshipped all over India as an incarnation of the Deity. All Hindoo Princes acknowledge the precedence of the Rana of Oodeypoor, styling him "Hindooa-Sooraj," or Sun of the Hindoos, and all those of Rajpootana, and several in other parts of India, receive from him the *teeka*, or mark of royalty on the forehead, in confirmation of their accession. The Oodeypoor dynasty, which, apart from its mythical splendour, can really boast a royal genealogy of two thousand years, is also renowned for having, amidst the most terrible reverses, maintained its independence of Delhi, and for having preserved the family honour pure and inviolate, unlike the other Rajpoot Princes, by refusing to give its daughters in marriage to the Mahomedan Emperor or his sons.

The present Maharana, who succeeded about a year ago, being a minor, the government was in the hands of a Council of Regency. Two of the principal nobles

employed in the administration, were guilty of enormous delinquencies. Keeree Sing, a financial officer embezzled twenty lakhs of public money. Ajeet Sing, the head of police and criminal justice, after having extorted confessions by beating, from two men charged with highway robbery and killing cows, had them both put to death under circumstances of revolting cruelty<sup>1</sup>. Instead of punishing both these high offenders, the Council, when pressed by the Political Agent tried to justify the former and connived at the escape of the latter. There could not well have occurred a more fair and favourable pretext, a more imperative call, for British interference.

But the weightiest considerations should have induced the Viceroy to perform the moral duty of interference in that gracious style and to that limited extent that would be most palatable, most persuasive, and least alarming, to the nobles and people of Oodey poor and of the adjacent States. The ninth Article of the treaty of 1818 which defines our relations with

<sup>1</sup> It may be thought that these facts conflict with the opinion given at p. 225, as to the respect for the sacredness of human life and the aversion to cruel punishments that we have taught to the inhabitants of native States; but I remarked in that place that opposition and disapproval would vary in degree in different parts of India. Now firstly Rajputana is exactly that part of India in which we have the least control, and the least intercourse; and where ancient customs and manners exist in the greatest force; and secondly there is nothing to show that there was not, in this instance a certain amount of opposition and disapproval, and that public opinion was not to some extent roused against the evil doers. Those who kill and eat cows are looked upon with horror and loathing by Rajputs, as worse than cannibals; but still there must have been some complaint, and the Political Agent must have got his information on certain points from some persons of rank and authority.

Oodeypoor, stipulates that "the Maharana shall always be absolute ruler of his own country, and the British jurisdiction shall not be introduced into that principality"<sup>1</sup> Admitting the moral right of effectual intervention, where the first principles of justice and humanity are insulted in a dependent State, I still think that the letter of this Article ought to have made us very scrupulous as to' the details of that intervention, which should have been as far as possible removed in form from the direct introduction of British authority Instead of this, the course adopted by the Calcutta Foreign Office must appear most offensive and most portentous to the brave and sensitive population of Rajpootana, and is in fact the very measure best calculated to alienate and alarm, to render instruction impossible, and to make improvement odious By a decree, dated Simla, August 14th, 1863, the Viceroy confers upon the British Political Agent the highest powers in judicial, police and financial affairs, subject to an appeal in certain cases to the Governor General's Agent in Central India, and requiring the Viceroy's own confirmation of capital sentences,— "these powers to be exercised until the Maharana is pronounced of age and capable of undertaking the responsibility of administration" Thus to all outward appearance, if not to all intents and purposes, British jurisdiction is introduced into the Principality of Oodeypoor

It is very remarkable that not one member of the guilty Regency is removed , no addition is made to their number , and the person of the Maharana, and

<sup>1</sup> Volume of Treaties, 1853, p 420

his household, are still confided to their care.<sup>1</sup> The whole scheme of administrative reform seems studiously devised to be as foreign as artificial, and as ephemeral in character as possible. No attempt is made to strengthen the executive Council, or the departments of finance and justice, by the employment of a few educated and experienced native functionaries. There are several enlightened Hindoos of high rank, of great wealth, of proved integrity and distinguished qualifications, known to be devoted to Imperial interests, and placed for years under the very eye of the Supreme Government, any one of whom would have been proud to undertake the office of Prime Minister of Oodeypoor and who, duly advised and supported by the Viceroy and recommended to the local magnates by their consciousness that he alone averts that foreign jurisdiction which they dread as the forerunner of annexation, would be able to secure their confidence to develop their capacity for self-government to inaugurate a permanent reform in the laws and procedure, and to train up a new generation of statesmen and officials to perpetuate the work of his administration.

Such a man for instance, as Rajah Dinkur Rao now a Member of the Legislative Council of the Governor General, and formerly for several years the successful Minister of the Gwalior State, could, as

<sup>1</sup> I assume the validity of all the charges, against the two chief offenders and against the Regency to be undoubted but observing that the Council are said "to justify Keesee Sing in his appropriation of public funds, and that they are still left in a position of great dignity and trust, one would be glad of a little more information.

Dewan of Oodeypoor, effect changes that a British Political Agent could not, and would not attempt His title and honours, the high offices he had already held, and his sacred character as a Brahmin,<sup>1</sup> would all combine to make his person respected, and to lessen the jealousy of a stranger's authority A Prime Minister of his antecedents and habits could work with the tools which he found ready to his hand , could make himself understood and obeyed, and would know when and how he was obeyed. No English Political Agent could do this in the atmosphere of dislike, distrust and sullen opposition by which he would be surrounded He would never feel assured whether his orders were carried out or not, and would either become dependent for information upon some favourite native, or would be compelled to resort to our own elaborate apparatus of official checks,—records, reports and correspondence,—with the indispensable staff of European Assistants, and a corrupt and insolent train of native subordinates Such is the inevitable downward course of direct British management so it has been in Mysore so it will be in Oodeypoor

Not two months elapsed from the date of the Governor General's order superseding the native authorities, before the next step had to be taken,—the introduction of British troops, to preserve order, and to protect the Resident's person The following extract is taken from the summary of news from

<sup>1</sup> But the idea of taking advantage of Hindoo prejudice and superstition, and turning it to account, or quietly allowing it to operate, for a good purpose, would of course be scouted in Calcutta

Bombay of the 29th October—"A small force has been sent from Neemuch to Oodeypoor, as the Political Agent, Major Eden, was apprehensive of a rising there at the Dussera festival. Nothing but a treacherous attack on the Resident's escort is now required, to render Oodeypoor quite ripe for annexation.

And even supposing—as is very probable—that everything went on peaceably, that the public affairs of Oodeypoor were conducted with a superficial smoothness and regularity and even with marked success,—as in Mysore,—until the period of the Maharana's majority and that the government were then transferred to the Sovereign,—as the Viceroy promises<sup>1</sup>—I should fear that no solid or substantial progress would have been made. The British management, tainted in its origin as a national humiliation watched with suspicion and dislike, and endured with patience only as a temporary infliction, would be shaken off with delight as soon as our coercion ceased every vestige of its procedure would be gradually effaced, and the subordinate native agents quietly dismissed and proscribed. No provision appears to have been made at present for the education of the Maharana. The Council of Regency deprived of executive power though left in charge of the young Prince's person are not very likely to accuse themselves of incapacity and misconduct by extolling the Political Agent's administration or by inculcating those principles of public justice and economy which the British Viceroy would approve.

<sup>1</sup> Very few probably of the inhabitants of Rajpootana believe that this promise will be performed.

Never, perhaps, has a more suitable occasion presented itself for exercising the noblest functions of Imperial power, for asserting a disinterested and beneficent supremacy, and for enforcing reform in an influential native State, while preserving its autonomy, and instructing its leading men, than this occasion of the Oodeypoori Regency. But this opportunity, as well as that of Mysore, has been thrown away, and yet I believe that only by watching for such opportunities, by seizing upon such opportunities, and by making such opportunities, the Empire can be placed in a position of stable equilibrium, the actual and prospective strain on our own military resources relieved, and those of India made available for Imperial objects. Military strength does not consist in the numerical strength of armies, but in the number of disposable troops. Wherever there is a native State, there is a competent and visible authority, responsible for the peace and good order of a certain area, and of a certain population. Wherever we annex a State, or assume its management, there we at once become chargeable with the preservation of tranquillity, our troops become more scattered, a moveable column is converted into a stationary garrison, or an occasional camp of exercise into an army of permanent occupation. With every cession of territory to a native Prince this process can be reversed. Even now, we could, on an emergency, march all our troops out of Mysore, or out of the Nizam's dominions, with much more confidence and with much less anxiety, than out of any part of our immediate possessions.

I wish deliberately to record my fixed opinion that

our immediate possessions are at present very much too large,—too large for us to defend too large for us to administer too large for us to instruct.

I am so convinced of the truth of this opinion in general, and I am so convinced of its truth with particular reference to Mysore, that, in case of a genuine lapse for want of a valid adoption, I would rather see a native government reconstituted under a Prince of Tippoo's line, under Maharajah Dhuleep Sing,<sup>1</sup> or under any other conceivable candidate upon whom the Principality might be conferred, than see Mysore transformed into a British Province. As a dependent State, with a well affected Court and a contented people Mysore would be invaluable as a natural *place d'armes*,—healthy for troops and teeming with supplies—as a centre and base of operations, defensive or offensive, in Southern India. As a British Province,—filled with bitter regrets and reminiscences where no one would be responsible, and no one would have anything to lose—it could never be denuded of troops it could never be relied on and might at any time become a source of anxiety or the scene of anarchy and confusion.

<sup>1</sup> Those who venture to believe in the secondary and secular causes of the propagation of Christianity and of the Reformation in Europe might reasonably look upon the political establishment or aggrandisement of a Christian Prince like Dhuleep Sing or of one almost persuaded to be a Christian, like Rajah Roodhur Sing of Koppoorthnallie, as the most powerful and practicable engine of conversion and therefore of civilisation and progress. And if such a step were taken at a judicious era on fair and just grounds of general policy with no ostentatious or aggressive reference to religion objects, and with all the conditions and guarantees of Imperial supremacy to prevent persecution and partiality I maintain that the measure would be quite justifiable and I should not fear its proving offensive to the people.

If the government of Mysore were reformed, on the principles suggested in Letter XV, I consider that it would be one of those native States that might be most conveniently and advantageously enlarged, perhaps even to the full extent of Tippoo's Empire, excepting the sea-board Provinces. And I am glad to say that Sir John Malcolm, one of the most far seeing of our few Indian statesmen, long ago anticipated these views. Writing of the recently established State of Mysore, he says —“While these fundamental principles are respected, this connexion will form the bulwark of our strength in the south of India, and it may, in the course of events, be a consideration of policy to increase, instead of diminishing, the wealth and limits of a State which, while it affords us resources fully equal to the same extent of our own dominions, is exempt from some of the objections to which those are subject”<sup>1</sup>

I shall be grievously misrepresented or misunderstood, if the element of time be omitted in the analysis of that plan for reconstructing the Empire in India, to which my aspirations are directed. To enter into the details of such a plan, and of the process by which it might be carried out, in a work of this description, and for a person in my position, would be obviously absurd. But I may observe that while precipitate overtures should be avoided—and would in fact be quite unnecessary—unpremeditated and spontaneous occasions for the transfer of territory, are presenting themselves every day. There is a great deal of profitable business to be done already in the

<sup>1</sup> Malcolm's Political History, 1811, p 375

way of restitution. In ten years much might be effected much more in twenty perhaps our European troops might be reduced in the former period to the standard strength before 1857 of about forty thousand men. Retaining, and acquiring by exchanges, all the ports and sea board under our direct rule, large tracts of country which we now occupy might be entrusted to dependent Princes. The limits of some existing States might be beneficially extended some new or revived Principalities might be carved out of those British possessions which lie at a great distance from the coast. It seems to me quite impossible to mention any advantage that Great Britain enjoys from the direct administration of Nagpore and the Central Provinces, or from those parts of the Madras Presidency called the Ceded Districts, Coimbatore and Salem, that would not be equally enjoyed if those Provinces were ruled, in federal subordination, by the Bhonsla, the Nizam and the Rajah of Mysore.

The Imperial power should continue to undertake the external defence, and international relations of India the native Princes should be made responsible for internal tranquillity. The railroads should be expressly confided to their care and protection. The change of rule need not offer the slightest obstruction impediment or discouragement to British enterprise of any description. Commerce manufactures plantation and settlement, missionary and educational operations could all proceed without interruption or damage. Capitulations—such as already exist—with the native Princes through whose dominions our rail roads and canals may run or to which British subjects

may resort for purposes of trade, would place the magisterial and judicial control of Europeans, as in Turkey, Persia and China, in the hands of local English authorities , whose jurisdiction should be locally effective and summary, checked by publicity and by the presence of assessors—in default of a jury—but not subjected to an appeal, and requiring no confirmation, except of capital sentences

I trust that indications have not been wanting throughout these Letters, that I do not seek to relax the tie of Imperial supremacy, but, on the contrary, to draw it more closely around all the States of India, to the benefit and with the consent of each and all. The fact of British supremacy is undoubted , but in many respects that supremacy is still undefined, unattested and undeclared. A Golden Bull is required for the Indian Empire A single formal document, of arbitrary origin and straitened construction, would not comport with the real political circumstances, would be neither effective nor equitable Well-timed assertions of Imperial preeminence would appropriately accompany that general revision of existing engagements, consequent on the proposed territorial changes And thus the impersonal and equivocal relations bequeathed by the East India Company, would gradually cease and expire, and would be replaced by more intelligible relations of federal allegiance, and by the clear definition of reciprocal rights and duties The genial deference due to allied Princes, and the homage due to the Imperial Sovereign, might well be disclosed and illustrated, in the personal intercourse, the forms and ceremonies, and the brilliant paiapeinalia, of more than one Royal progress As Great Britain

rejoices in her unwritten Constitution so may India flourish for many centuries with an unwritten Golden Bull!

No congregies of States, no people on the face of the earth, were ever so disposed—by their natural bent, by their historical traditions, by the peculiar phase of their civilisation and manners, and even by the tenets of the two prevailing creeds,—to accept with gladness if it were offered to them the idea of an actual living Monarch, and to regard with a loyalty amounting to devotion and reverence, the person of that Monarch and every member of the Royal family. But no such idea has ever been offered to them. It seems to have been sedulously kept out of sight. Not only have the people been accustomed to see their own Princes, and princely families, treated with contempt, but too many cases have occurred where everything has been done to make a native Sovereign contemptible in the eyes of his own subjects. A long course of this ungenerous conduct has not tended to encourage respect for Royalty in the abstract or to create a belief in the ruling influence, or even in the existence of any Royal Personage in Great Britain, endowed with those qualities of high honour and magnanimity which have been associated in all ages, and all over the world with the idea of a great Sovereign.

All this may appear to some of my readers, to be very ridiculous and very unworthy of attention. Philosophical Radicals may regard the idea of a personal Sovereign as decidedly retrogressive. But India is not England nor are Hindoos in general Philosophical Radicals. What they may become in time is

another question, Loyalty began to decline in Great Britain, and patriotism to expand, when Puritanism became a power in the land I cannot see that it is the interest or the duty of any Government of India to promote the growth of what may be called patriotism, and to neglect the source of power that lies in the encouragement of loyalty Those royal deeds of restitution and compensation, which have been advocated in these Letters, and that policy of Imperial federalism, which has here found so feeble an exponent, would excite a fervent spirit of loyalty throughout India, and, far from being retrogressive, would be the surest steps in the path of harmony and progress

Hitherto the repulsive domineering of our Government and its agents, has made native Princes and Ministers averse to our laws and institutions and the acquisitive proceedings of the last twenty years have served to render our principles of government even more conspicuously offensive to the higher classes, as the cause and badge of their degradation and ruin But if British good faith and the majesty of the British throne were vindicated by gracious acts of restoration and restitution, royally decreed and royally performed, if the era of annexation were manifestly closed for ever, and a proposal of innovations were seen not to be an insidious encroachment, but the preliminary step to territorial aggrandisement and admission to the security and dignity of a place in the Imperial Federation,—reform would appear in a much more favourable light

No one can fail to observe how powerful a lever to move the mass of prejudice and ignorance that op-

presses India, is placed in our hands by the possession of so much superfluous and unprofitable territory. Under no pressing necessity to part with it, under no obligation to confer any portion of it on any particular Prince or to abstain from founding any number of new sovereignties, the Imperial power could, in every case of transfer impose its own conditions. The proportion of the Indian debt to be paid off or assumed by the enlarged feudatory would be a matter of easy calculation and arrangement while the advantages gained by the Imperial government would be found not only in the riddance of so much dead weight, but also in the reduction of the civil and military establishments, and in the prospective diminution in the annual tribute of pensions, furlongh allowances, passage money of troops, and other home charges.

Is it not quite clear that the interest of the British nation in the annual provision made for some hundreds of young gentlemen and the fortunes and pensions acquired by some scores of retired officials, is of very circumscribed importance, of infinitesimal value, when compared with its interest in the development of the energies, in the cultivation of the tastes and desires of an immense and intelligent population? India must no longer be regarded as a field for patronage, but as a field for spreading our commerce our laws our science and all that we have of good to give as an inexhaustible field of producing and purchasing power from whose gifts and wants our industry by land and sea may for ages reap a liberal and ever increasing harvest.

In the Provinces retained under direct British administration, I should advocate a general rule of selection for office and for promotion, which would perhaps shock the feelings, or excite the ridicule of most Anglo-Indian officials, but which will, I think, be considered in England as a sound, just and prudent principle,—that when well qualified in every respect, a native should always be preferred to a European. Due consideration might still be given to special grounds of policy—temporary or permanent—and to special personal claims, but *ceteris paribus* the native candidate should have the preference. The fair promise of 1862,—when the High Courts and Legislative Councils were constituted,—has blossomed with very scanty performance. Ten or twelve native gentlemen have been appointed to honorary seats in the local Councils, with very confined powers of legislation, three or four have seats in the Governor General's Council, for legislative purposes only, with no right to any information whatever on matters of general policy or finance. One eminent Hindoo lawyer has been made a Judge of the High Court of Calcutta,—the solitary instance, I believe, of a native having been promoted, under the powers granted by the Acts of 1862, to a paid office that had been previously unattainable. And with this one act of homage to the declared intentions of Parliament, the liberality of the Government of India seems to have stopped. The great body of native advocates and public servants, after the first congratulations had died away, can have derived but little practical encouragement from the elevation of one distinguished Hindoo to the

highest judicial office, a place to which few of them as, indeed, few English civilians can aspire. A somewhat broader entrance to a career of usefulness and honour some earnest of a share in the ordinary prizes, would have been far more convincing, and far more gratifying than this allotment of one extraordinary prize to one conspicuous person.

All the institutions of Great Britain, so far as they are applicable to altered circumstances, should reappear in India. There is a Privy Council in Ireland, to advise and support the Viceroy when he requires their aid. There ought to be a Privy Council in India. The distinction, being one of Royal grant and European analogy would be much valued and as the members would of course, according to the practice at home, only attend when formally summoned, there could be no inconvenience or restraint from the existence of such a body. In times of uneasy excitement, or actual disturbance the special knowledge and experience, the local authority and influence of the assembled Councillors, would lay open many sources of information and might afford the most efficient means of suppressing tumult and restoring order. It appears to me that a feudatory Prince like the late Rajah of Puttlaia, or like the Nawab of Rampore—recently nominated to the Legislative Council of India—would be more appropriately and usefully placed in the Privy Council of the Viceroy where he could be consulted on Imperial acts of state and on points of general policy not suitable for public discussion than in a public Council of legislation engaged in making laws for the British Provinces only and having no force within his own territories.

We have done nothing to make our Presidency cities attractive to the nobility of India. Their sons have no inducement whatever to attend our Universities, or even to attain a colloquial knowledge of our language. We have done nothing to make an English education an object of pride and ambition, a fashionable and indispensable accomplishment, among the families of the highest rank and greatest wealth.

The small class of educated natives consists, for the most part, of men who have sought education as the passport to official employment, which they have been willing to enter at the lowest grade,—a class, therefore, who can have no great influence even in their own districts, and none in the native States.

No native of India, however erudite and accomplished, can enter the arena by the favoured door of the covenanted Civil Service, without undergoing a competitive examination in London,—a rule which places him at a very unfair disadvantage in comparison with his English contemporaries, imposing upon him and his family a burden of expense, discomfort and self-sacrifice, to which not many can be expected to submit, even if they have the means<sup>1</sup>. An equally high standard of education might easily be exacted by an examination in India, if a fair share of first nominations were assigned for local patronage.

If, convinced of the errors and crimes of the past, our rulers were seriously and sincerely bent upon establishing more equitable relations with the native

<sup>1</sup> One young Bengalee has competed successfully in London for an appointment in the Civil Service, and has lately proceeded to the Bombay Presidency.

States for the future, not only ought the Government to lay down and promulgate the principles of its future Imperial policy but great care would have to be taken in selecting the agents by whom those principles were to be inaugurated and applied. They should be chosen with as much reference to their moral qualities and social habits as to their knowledge of languages and official experience. But even with the most careful selection of our Residents and Political Agents, the diplomatic reconstruction of the Empire would demand the employment of able native Assistants. Without their aid, misunderstandings would occur at every step delays would multiply and results would be doubtful and insecure. In the days before 1819 when our negotiations with Indian Princes were not mere arbitrary dictations, native diplomatists were among the most trusted and valued of our public servants, and their services were splendidly rewarded. And even now our "political" officers throughout India would be paralysed and blinded without their native agents shenstadar and moonsheca. But these are men, like the common run of the Amla or ministerial officers of our courts, of mean origin and imperfect education with no public trust or responsibility with mediocre salaries no recognised position and no prospects. No one would think,—certainly not I,—of excluding from promotion those who have fairly earned it by meritorious service in inferior situations but what are now urgently wanted for the political department are natives of rank and education and especially young natives as junior Assistants of a class similar to the attachés of European embassies.

If a Prince or nobleman, summoned perhaps to Calcutta or Bombay to take his seat in Council,—and having himself experienced the advantage, or felt the want, of a knowledge of the English language,—were to ascertain that appointments in the Civil Service, in the political department, and, I should hope, commissions in the Army, could be obtained by his younger sons and relatives, on their showing the proper qualifications, it appears to me very probable that he would take measures to have some of them properly qualified, and that a very superior class of young natives,—hitherto left to indolence, discontent and debauchery—would present themselves as our active coadjutors Men whose birth and connections are known, who have something to hope for themselves, and whose fathers have something to lose, both in property and dignity, are not exactly the men whom, of all others in the country, I should suspect of being dangerous and corrupt

Both in the organisation of the Federal Empire, and of the Imperial Provinces,—both in what would now be called foreign and in home affairs—I believe the same rule will hold good,—that the maximum of immediate dominion and of direct European agency, involves the minimum of European influence It is because I wish to extend British influence, that I would contract British possessions And the reason of this is very simple and easily understood. Whatever tends to facilitate and promote intercourse and harmony between the higher classes of India and the higher classes of Great Britain, will tend to assimilate their habits and modes of thought, and to diffuse new

ideas and new wants among the mass of the population. Where this intercourse is impeded, or has never been established, there will be stagnation or antagonism. At present it may be said that British influence in India beyond the limits of the three Presidency towns, is chiefly the influence of unlicensed force our moral influence is very imperfect and we exercise no social influence whatever. And no British government, no imaginable number of British merchants, planters, missionaries or teachers, can produce any appreciable impression upon the hundred and fifty millions of Hindoos, so long as the inevitable effect of all our direct efforts is to exasperate and alienate the most powerful and the most influential men among them. We must gain the leaders, and the flock will follow

THE END.

